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Previous References

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Serial Nos

Later References

General and Revenue Secretariat.

Serial Nos

Part B for

SUBJECT

Bill further to amend the Mysore Municipal Regulation Act of 1906

Note for action re the above

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VII OF 1906.

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION VII OF 1906

WHEREAS it is expedient further to amend the Mysore Municipal Regulation 1906 His Highness the Maharaja is pleased to enact as follows —

1 For the proviso to sub section (1) of Section 10 the following shall be substituted —

Provided that the number of elected Councillors shall not be less than two thirds and one half or the whole number inclusive of the President in the case of City and other Municipal Councils respectively and that not more than one half of the nominated Councillors shall be alaried servant of Government

2 For the words for th like period has been paying in clause (c) of Section 12 the words was for the preceding year assessed to shall be substituted

3 After sub section (2) of Section 13 the following new sub section shall be inserted —

"(3) A per on shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held b fore hi term of office as Councillor

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person duly authorised in this behalf to represent such association shall be deemed to be qualified to be elected a Councillor

4 For Section 23 of the Regulation the following shall be substituted —

(1) Every Municipal Council shall be presided over by a President who shall be either —

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to tim i fies in this behalf or

(c) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf or

(*d*) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rules and conditions it may be prescribed by the Government in this behalf

(2) When an office has been notified under clause (*b*) of sub section (1) the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government

(3) During the period intervening the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at District Headquarter or the Amildar in case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder take the place of the President until such elected or nominated President enter on his duties

(4) (a) There shall be a Vice President for such Municipal Council as the Government may direct

(b) The Vice President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf

Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice President by name

(5) Except in the case of a salaried servant of Government who is either an appointed or an *ex officio* President, every President who for a period exceeding three months, and every Vice President who for a period exceeding fifteen days shall absent himself from the municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted —

(*a*) by the Government in the case of a President appointed under clause (*a*) of sub section (1)

(*b*) by the Municipal Council in the case of an elected President or of a Vice President

(6) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a Vice President under that sub section a Councillor shall be elected subject to the conditions to which the election of the Vice President so absenting himself was subject to perform all the duties and exercise all the powers of a Vice President during the period for which such leave is granted

(7) Every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties and the term of office of every President and of every Vice President shall cease on the expiry of his term of office as Councillor

(8) In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto

(9) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government

Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government officer whose services are lent for employment as Vice President or President

5 In the explanation at the end of Section 26 the words or Sanitary shall be inserted after the word Medical

6 In Section 29A of the Regulation the words a Committee called the Economic Committee to deal with questions relating to the development of Education Agriculture and Industries and Commerce shall be substituted for the words three Committees to deal respectively with Education Agriculture Industries and Commerce

7 (1) In Section 31 for the word one third after the words shall not exceed the word one half shall be substituted

(2) In the same Section 29 29A shall be inserted for 29

8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* —

(*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in respect of all or any class of Municipal Councils or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government

Amendment of Section 48

9 (1) After sub clause (*ii*) of clause (*b*) under sub-section (1) of Section 48 the following new sub clause shall be inserted —

(*iii*) as a hotel bakery sweetmeat shop or otherwise for the preparation manufacture or sale of articles intended for human food or drink the present sub clause (*iii*) being re-numbered as sub clause (*iv*)

(2) After sub clause (*iv*) of clause (*b*) under the same sub section the following new sub clause shall be added —

( ) or for any other purpose for which the taking out of a licence is or may be prescribed

(3) For clause (*c*) under the same sub section, the following shall be substituted —

Prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted refused suspended or withdrawn for the establishment in any premises of any factory workshop or workplace in which it is intended that steam, water electrical or other mechanical power shall be employed or for the use of whistles and trumpets operated by steam mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed

(4) In sub section (1) of the same section the following shall be inserted between clause (*c*) and (*p*) —

(*oo*) regulating the conditions for the construction use and disposal of houses intended for the poor

(5) In clause (*p*) of the same sub section between the words foundations and roof the word floors shall be inserted

(6) At the end of the same clause after the semicolon, the following words shall be added and prescribing a time limit for the erection of buildings

(7) After clause (*p*) of the same sub section the following new clause shall be added —

(*pp*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes the erection or use of buildings for shops market places manufactories places of public resort or for any other purpose

10 In Section 52 after the first paragraph the following additional proviso shall be inserted —

Provided that any fund granted to the Municipal Council by the Government for any specific work or purpose

shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf

11 The following new clauses shall be added after clause (b) under Section 56 of the Regulation — Amdmt 56

(bb) Constructing and maintaining where necessary suitable sanitary houses for the habitation of the poor

(c) granting loans to encourage local arts and industries

12 (1) After clause (x) of Section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being renumbered as (xii) and (xiii) respectively — Amdmt 59

(xi) a tax on shops where business is carried on for purposes of profit payable half yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned

Provided that where a Municipal Council elects to levy a tax under this clause the person or persons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (x) in respect of the business carried on in the shop

(2) For proviso (a) to Section 59 the following shall be substituted — Amdmt 59

(a) no tax imposed as aforesaid other than a special Sanitary cess or water rate shall without the express consent of Government be leviable in respect of—

(i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit

(ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit

(iii) any building or part of a building ordinarily used as a place of public worship or used for charitable, but not residential purposes) omit

(iv) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja

(v) any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police

Officer on duty or the passage or conveyance of any person or property in their custody

13 After sub section (2) of Section 70 the following sub section shall be inserted —

( ) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub section (2) by public auction or private contract provided proper security is taken from the lessee for the due fulfilment of the conditions of the lease

(4) When any fee has been leased under sub section (3) any person employed by the lessee to collect such fee for the lessee himself may subject to the conditions of the lease collect the fee or exp l from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it

New 81A

14 After Section 81 the following section shall be inserted —

81A (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract provided that the lessee shall give security for the due fulfilment of the conditions of the lease

( ) When any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub sections (1) and (2) of Section 79 provided that no article shall be seized except under the orders of the President

15 (1) After sub section) of Section 83 of the Regulation the following shall be inserted as sub section (2a) —

(a) Where the property is in the area under the control of the Municipal Council the warrant shall be addressed to an officer of the Municipal Council Where the property is in another Municipality or in a place which is not a Municipality the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be provided that such President or Amildar may endorse such warrant to a subordinate officer

(2) In sub section (3) of the same section for the word any municipal officer the word any officer shall be substituted

Addition of Section 84A

16 After Section 84 the following section shall be inserted

84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the

property distrained and in such case it shall be lawful for su h officer to sell the property and to d all things incidental to the sale and the foregoing provis ons shall be modif d accordingly Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued

17 After Section 91 the following new Section 91A shall be inserted —

Addit n f w s t n 91A

91A (1) It shall be the duty of every Municipal Council to prescribe a line on each side of every public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution for any l ne so prescribed or for any part thereof

Rh gul l f p bl t t

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council shall give public notice of the proposal and they sh ll put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and

(*b*) the Municipal Council sh ll con ider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice

(2) The line for the time being so prescribed shall be called the regular line of the public street

(3) Except under the provisions of Section 113 no per son shall construct or without the permission of the Municipal Council under Section 96 recon truct any portion of any build ing within the regular line of the public street

(4) Whoever contraveres the provi ions of sub section (3) shall be punished with fine which may extend to one thou sand rupees and the Municipal Council may—

(a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary

18 After Section 93 the following new Section 93A shall be inserted

Add t S t f 3A Build b te d n t t t t f build g

93A No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provi sions of this Regulation and of any bye laws made under this Regulation relating to the use of building sites or the erection or use of buildings

Provided that the Government may in respect of all Muni cipalities or with the consent of the Municipal Council in res pect of any particular Municipality or portion thereof exempt

all buildings or any class of buildings from all or any of the provisions of this Regulation or the bye laws made thereunder

Addition of new Section 93B

19. After Section 93A the following new Section 93B shall be inserted —

93B. (1) The Municipal Council may give public notice of its intention to declare

(a) that in any street or portion of streets specified in the notice

(i) continuous building will be allowed

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural features be such as the Municipal Council may consider suitable to the locality or

(b) that in any locality specified in the notice the construction of only detached building will be allowed or

(c) that in any street portion of streets or localities specified in the notice the construction of shops warehouses factories huts or buildings of a peculiar architectural character or buildings designed for particular use will not be allowed without the special permission of the Municipal Council

(2) No objection to any such declaration shall be received after a period of three months from the publication of such notice

(3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration and before doing so may modify it but not so as to extend its effect

(4) The President shall publish any declaration so confirmed and it shall take effect from the date of publication

(5) No person shall after the date of publication of such declaration construct or reconstruct any building in contravention of any such declaration

Addition of new Section 93C

20. After Section 93B the following new Section 93C shall be inserted —

93C. (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine and may require such portion of the site at the corner as it may consider necessary for public convenience or amenity

(2) For any land so acquired the Municipal Council shall pay compensation

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the street

Addition of new Section 95A

21. After Section 95 the following new section shall be added —

95A The Municipal Council may require that any building used or intended to be used as a grain shop or grain store shall be erected so as to render such building rat proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this section shall be Enforceable only within such area as may be notified by the Municipal Council from time to time with the previou appro val of Government

22 After Section 137 the following new section shall be inserted —

137A Within uch limits is the Municipal Council may direct no person shall keep more than ten pigs or more than twenty goat without a license fr m the Municipal Coun cil The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Who ever keeps any pigs or goats contrary t the provisions of this section shall be punishable with fine which may extend to Rs 25

23 (1) For clause (k) of Section 151 the following shall be substituted —

(k) For boiling pressing cleansing repairing or manu facturing by any process whatever oil (edible or non edible)

(2) In the same section the following shall be added after clause (1) —

(11) for parching grain

(3) After clause (n) in the same section the following additional clause shall be inserted —

(nn) for storing grain for trade purposes

(4) for the word smells in clause (o) of the same section the words smells fumes or dust shall be substituted

24 After Section 151 the following new section shall be inserted —

151A (1) No person shall newly establish in any premises any factory workshop or work place in which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permis sion of the Municipal Council

(2) The Municipal Council may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or work place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye laws framed in this behalf

(3) Whoever establishes in any premises any factory, workshop or work place as aforesaid without or after the refusal of such permission or in contravention of the terms of any bye laws framed in this behalf shall be punished with fine which may extend to two hundred rupees

Add t f w S t 151B l f wl tl f um g d w km

25 After Section 151A the following new section shall be inserted —

151 B (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council

(2) The Municipal Council may grant such license subject to such condition as they may deem fit and may at any time withdraw such license on giving one month s notice to the licensee

Provided that where the licensee has contravened any of the conditions of the license the license may be withdrawn without any such notice

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the condition or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees

Add f w S t 161A P w t l d ff

26 After Section 161 of the Regulation the following new section shall be added as Section 161 A

161 A A Municipal Council may —

(a) compromise with any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Regulation or any bye law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence

(b) withdraw from prosecution instituted under this Regulation or under any bye law made thereunder

(c) compound any offence against this Regulation or against any bye law made thereunder which under any enactment for the time being in force may lawfully be compounded

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section

Add t new Se t 164A

7 After Section 164 of the Regulation the following new section shall be added —

164A No distraint shall be made no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date

on which such distraint might have been made a suit might have been instituted or prosecution might first have been commenced as the case may be in respect of such sum

28 After Section 173 of the Regulation the following new Section shall be inserted —

Add t n f w Sect n 173A

173A The Deputy Commissioner shall have power—

D p ty Com m ss ner s pow f m pe ti f M pal C oil

(1) to inspect the office of any Town or Minor Municipal Council

(2) to call for records of any Town or Minor Municipal Council ~~either of his own motion or on the application of the aggrieved party~~ and to submit the same with his opinion to Government for such orders as they deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is ~~wrong or~~ contrary to law

29 In Section 180A of the Regulation the words or other Municipal Councils specially exempted shall be added after the words City Municipal Councils

Am d n nt f S t n 80A

30 (1) In Schedule II above the words on every four wheeled vehicle with springs 0 8 0 the following words shall be inserted namely –

On every motor car	Re 1—0—0
On every motor cycle ~~or bicycle~~	Re 0—8—0

(2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation *viz*

Explanation 3 —No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal District Fund or State toll gate provided that when toll has been paid in respect of any vehicle or animal not laden or unridden the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden shall be collected if such vehicle or animal again passes through a Municipal toll gate laden or ridden within such period

Explanation 4 —Any Municipal Council may with the previous sanction of the Government declare that payment of tolls on vehicles or animals at any toll gate whether within or without Mysore shall clear such vehicles or animals at any of their toll gates

SCHEDULE II A

(See Section 59 clause xi)

| | | |

in order to enlist the co operation of more enthusiastic and earnest workers from outside the Municipal Council

Clause 9 —Provision is made for greater control over hotel keepers bakers etc in the interest of public health to make proper arrang ments for housing the poor and for the regulation of buildings used as grain shops and of buildings constructed on sites abu ting street

Clause 10 —This is intended to ensure the expenditure of the sum allotted for economic work in Municipal areas exclusively for that purpose

Clause 1. —Provision is made in this clause for the levy of shop tax in lieu of profession tax in respect of the business carried on in the shop

Clauses 13 and 14 —Provision is made for the leasing out of the right to levy tolls and to collect other fee

Clauses 15 and 16 —Provision s made in this clause for the execution of warrants outside the Municipality in which they are issued

Clauses 17 18 19 o ana 1 —These are intended to regulate the alignment of ites with respect to the pre cribed line of streets and to regulate the construction of certain classes of buildings in particular localities Due provision will thus be made to secure uniformity and beautification of cities

Clause . —This provide for the regulation of the keeping of certain animals such as goats and pig which are a nuisance to the inhabitants of a Municipality

Clause 23 —Purcha ing grain and storing grain for trade purposes have been included among the uses by which a building may become a nuisance

The process of oil boiling has also been more comprehensively defined than at present consequent on a recent dec sion of the Chief Court

Clause 4 —This s intended to regulate the establishment of factories or workshops in premises in crowded localities

Clause 25 —The use of whistles in factories and other places is proposed to be controlled by this section so as to minimise the disturbance to the neighbourhood

Clause 26 —This provides for compo ition of offences and withdrawal of prosecutions for offences against the Municipal Regulation and Bye laws in view of the trivial nature of many of the offences

Clause 27 —The period of limitation for taking legal action in respect of sums due to the Municipality is reduced to three years

Clause 28 —This provides for inspection of the offices of wn or Minor Municipal Councils by Deputy Commissioners Districts

Clause 29 —By this clause provision is made for the exclu n of control by Deputy Commissioners over Jahgir Munici ities

D. Sitharamaiah

[illegible]

25/10/25

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VII OF 1906

Principle	Referenced Legislation	Alternatives Required or to be considered
To increase Elected Members in Municipal Councils	Para 2 of GO 923-1926 R. A. L. 203 of 1915 R. A. 176 of 1913	
Payment of taxes to be considered as a qualification for voters	Per Abdul Karim voting on R A of June 1925 L. B. 130-L.A. Bombay 13 A Bombay Election Rule 13	
To disqualify persons who are defaulters from being candidates for election	Madras 49 (2) (d) Clause 1 of the Bill and Section 17 of the Act Bom 13 A	Note Disqualification common to Section 13 to be allowed to persons absence of communications Vide AA 16-15
	No change in existing section on the case	

BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION VII OF 1906

WHEREAS it is expedient further to amend the Mysore cipal Regulation 1906 His Highness the Maharaja i ed to enact as follows — Amendment f Section 10.

1 For the proviso to sub section (1) of Section 10 the ing shall be substituted

Provided that the number of elected Councillors shall be less than two thirds and one half of the whole number clusive of the President in the case of City and other pal Councils respectively and that not more than one f of the nominated Councillors shall be alaried servants of nment

2 For the words for the like period has been paying use (c) of Section 12 the words "was for the preceding assessed to shall be substituted

3 After sub section (2) of Section 13 the following new c sub section shall be inserted — Amendment f Se t n 13

(3) A person shall not be qualified to be elected as a llor unless he is enrolled in the Municipal Election Roll a person who is already a Councillor shall not be qualified be a candidate at a bye election held before his term of as Councillor Enrolment n M p l Election Roll n ry for l t d C un ll

Provided that if any company body corporate or other ation of individuals is enrolled in the Municipal Election any one person duly authorised in this behalf to represent such association shall be deemed to be qualified to be elected a ncillor R presenter A soci t n f a f such association

For Section 23 of the Regulation the following shall substituted — Am dn f S t 23

(1) Every Municipal Council shall be presided over President who shall be either

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to tim t fies in this behalf or

(c) if the Government o directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf or

(*d*) if the Government so directs elected by per[illegible] entitled to vote under Section 13 subject to such rules [illegible] condition as may be prescribed by the Government in this behalf

(2) When an office has been notified under clause (*b*) of sub section (1) the person from time to time executing the function of that office shall continue to be President unless and until such notification is altered or rescinded by the Government

(3) During the period intervening the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at District Headquarters or the Amildar in case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder ~~take the place~~ of the President until such elected or nominated President enters on his duties

(4) ~~Let~~ ~~Municipal Council in the Government may~~ direct

~~(5)~~ The Vice President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf

Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice President by name

(5) Except in the case of a salaried servant of Government who is either an appointed or an *ex officio* President every President ~~who for a period exceeding three months,~~ and every Vice President who for a period exceeding ~~fifteen days~~ shall absent himself from the municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted —

(*a*) by the Government in the case of a President appointed under ~~clause (a) of sub section (1)~~

(*b*) by the Municipal Council in the case of an elected President or of a Vice President

(6) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a Vice President under that sub section a Councillor shall be elected subject to the conditions to which the election of the Vice President so absenting himself was subject to perform all the duties and exercise all the powers of a Vice President during the period for which such leave is granted

an opportunity to appear
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Regulation
Rule
Rule 4 of 50 723 R
to be given
notice as
Rule
VP to be
of P's appeal

Section 23 7(a)
No change

7656-63/M56 26-2
of 27-4-25
VP to be given
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Clause 23 (b)
as in Rule
Period changed
6 months to 3
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, Rule 23 (b)

Purpose

Remarks

Bom 23(7)
Standing committees
Para 5 of G O 7/23/12

Clause as
Provision to be
shown terms
(1) V P as nominee
(2) V P as elected
to terms

Mysore 23(7)
No change

Existing 23(8)
No change

change in
clause to an
sanitary [illegible]
To have only
one nominee
in place of 3 com-
mittees

Bom
Bom 26(4)

Are there at some
time or some
to

To provide for the
abolition of
committees

Rem XXIX
G O 693 95 M 79 24-1
26-2-24

See Bom clause 3
C B Comp of 1915
Special [illegible]
Power to temporary
commission

R A Resolution III
of Oct 1924
G O no 6129-92/M
16-5-24-329 19-2 25

Select committee
be constituted
applying this
to city M C
Bangalore city as
and not mysore city
C R B file 69-25

(7) Every President and Vice President shall be removable from his office as such President or Vice President by the overnment misconduct, or neglect of or incapacity to i duties and he term of office of every President n o every ice resident shall cease on the expiry of his rm of office as Councillor

In the event of the leith resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto

(9) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government

ovided it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government officer ~~whose services are lent for employment~~ as Vice President or President

5 In the explanation at the end of Section 26 the words or Sanitary shall be inserted after the word Medical

6 In Section 29A of the Regulation the words a Committee called the Economic Committee to deal with questions relating to the development of Education Agriculture and Industries and Commerce shall be substituted for the words three Committees to deal respectively with Education Agriculture Industries and Commerce

7 (1) In Section 31 for the word one third after the words shall not exceed the word one half shall be substituted

(2) In the same Section 29 29A shall be inserted for 29

8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* —

(*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*n*) in respect of ~~all or~~ any ~~class of~~ Municipal Council or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government '

Am dm t f 9 t 48

9 (1) After sub clause (*ii*) of clause (*b*) under sub-section (1) of Section 48 the following new sub clause shall be inserted —

(*iii*) is a hotel bakery sweetmeat shop or otherwise for the preparation manufacture or sale of articles intended for human food or drink the present sub clause (*iii*) being re-numbered as sub clause (*iv*)

(2) After sub clause (*iv*) of clause (*b*) under the same sub section the following new sub clause shall be added —

(*v*) or for any other purpose for which the taking out of a license is or may be prescribed

(3) For clause (*c*) under the same sub section the following shall be substituted —

F l g th f t l t

Prescribing the condition on or subject to which and the circumstance in and the areas or localities in respect of which license may be granted refused suspended or with drawn for the establishment in any premises of any factory work hop or workplace in which it is intended that steam water electrical or other mechanical power shall be employed or for the use of whistle and trumpets operated by steam mechanical mean or electricity in factories or other places for the pu poses of ummoning or dismis ing workmen or persons employed

F tru t f t f th p

(4) In sub section (1) of the same section the following shall be inserted between clauses (*o*) and (*p*) —

(*oo*) regulating the conditions for the construction use and disposal of houses intended for the poor

insert Sec 56 cl (bb)

(5) In clause (*p*) of the same sub section between the words foundations and roofs the word floors shall be inserted

F ser b tum l t f ou ld

(6) At the end of the same clause after the semicolon the following words shall be added and prescribing a time limit for the erection of buildings

F rep l f t f b ld f g l F d t d f l t f tru t f b ld gs th t th y m j t b f usa d nt l l l t t A d t f s t

(7) After clause (*p*) of the same sub section the following new clause shall be added —

(*pp*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes the erection or use of buildings for shops market places manufactories places of public resort or for any other purpose

10 In Section 52 after the first paragraph the following additional proviso shall be inserted —

Provided that any funds granted to the Municipal Council by the Government for any specific work or purpose

[illegible]

Purpose

Regulate city purposes as long as 1915 MS 15 - MS 2 96-12 special committee
GLA Bill - cl 4 (1)

To prevent notices on from [illegible] and [illegible]

spl committee re [illegible] a [illegible]
GLA Bill - cl 4(2)
MS 15 - [illegible] 7 a special committee

compl grants of resources of re early - [illegible] from MS [illegible] of a committee - approval of MS
GLA Bill cl 4 (3)

To prevent of freeness near [illegible] and regulate the use of [illegible]

(6) [illegible] (D)

Memorial under Para 42 - Legislation 44-17
GLA Bill - cl 4 (4)

Memorial under - Para 36 - Legislation 42 17
Bill - cl 4 (5) also

Seems to have been [illegible] under [illegible]
cl 4 (6)

Hamilton the power

To insist on being consulted as to what proposed and [illegible] Hamilton [illegible] on [illegible] GLA Bill clause 7
Probably to enforce [illegible] on vacant sites

IB 78 A

I - Vide (3) above for regulating
II Regulate city purposes
GLA
Parliamentary Bill cl 4(7)
MS 69-22
see cl 18 infra

I Vide (3) above
II. For regulating use of sites for [illegible] and for regulating the erection of [illegible] on [illegible]

Seems to have been [illegible]

- cl 6

Grants [illegible] work to be done for [illegible] other purposes

[illegible]

Proposal	Authority	Remarks
	Under cl 9(4) above 6th Proc – cl 9	
	L S on con file [illegible]	
Naval Committee to carry Bill forward	Article 137 L S on file 479 L S on conf Rebn [illegible]	
Govt's consent obtained for personal purposes to be taken	Recommendation of Naval Advisory Committee Act 1864 – Sale	Provide Bill to be [illegible] regarding [illegible] of Palace properties

Act 1864 cl [illegible]

shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf

11 The following new clau es shall be added after clause (*b*) under Section 56 of the Regulation — Amendment to Section 56

'(*bb*) Constructing and maintaining where necessary itable sa houses for the habitation of the poor

c granting loans to encourage local arts and industries

12 (1) After clause (x) of Section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re numbered as (xii) and (xiii) respectiv ly — Amendment to Section 59

(xi) a tax on shops where business is carried on for purposes of profit payable half yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned

Provided that where a Municipal Council elect to levy a tax under this clause the person or persons paying the tax hall not be called upon to pay a tax on professions trades and callings under clause (x) in respect of the busine s carried on in the shop

2 or proviso (*a*) to Section 59 the following shall be substituted — Amendment to Section 59

(*a*) no tax imposed as aforesaid other than a special Sanitary cess or water rate shall without the express consent of Government be leviable in respect of—

(i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be u ed for residential purposes or for purposes of profit

(ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit

(iii) any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes

(iv) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja

(v) any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police

Officer on duty or the passage or conveyance of any person or property in their custody

13 After sub section (2) of Section 70 the following sub section shall be inserted —

(3) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub section (2) by public auction or private contract provided proper security is taken from the lessee for the due fulfilment of the conditions of the lease

(4) When any fee has been leased under sub section (3) any person employed by the lessee to collect such fee or the lessee himself may subject to the conditions of the lease collect the fee or exp l from the place for the use of which the fee is payable any person who is liable to pay the fee but refuse to pay it

14 After Section 81 the following section shall be inserted —

81A (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract provided that the lessee shall give security for the due fulfilment of the conditions of the lease

(2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub section (1) and (2) of Section 79 provided that no article instrument may be sold except under the orders of the President

15 (1) After sub section (2) of Section 83 of the Regulation the following shall be inserted as sub section (2a) —

(a) Where the property is in the area under the control of the Municipal Council the warrant shall be addressed to an officer of the Municipal Council Where the property is in another Municipality or in a place which is not a Municipality the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be provided that such President or Amildar may endorse such warrant to a subordinate officer

(2) In sub section (3) of the same section for the words any municipal officer the word any officer shall be substituted

16 After Section 84 the following section shall be inserted

84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the

Remarks	Authority	Purpose
Vide para 7 of special committee Report of 5-10-18. Since many persons are interested to make further other views to be approved by Govt. Vide order No. 1610 Revenue	Based partly on Rule 81A. Vide Rule B No. 3358	Taking power to frame fees based on market fees rules
	Legislative of Bangalore city assembly - dt 12-6-22. Based on Rule 81A Rule Rule B 3358. Sec Bombay, Madras cases as authority	Regulate administration of fire brigade of farming fees
	Recommendation of Mr. Brown Committee S.O. 2-5 in 1952. Bombay 85 (A)	To facilitate conversion of sites
	Do. Bombay 84 A S.O. 2-5 in 1952	Do

Principle	Statutory	Remarks
To become regulation [illegible] of [illegible]	Based on Section 91A under Municipal [illegible]	[illegible]
To regulate use of [illegible] for [illegible] use	Based on Section 172 under Municipal [illegible]	
[illegible]	[illegible]	[illegible]

x for any City Municipality or such other Municipality as be notified by Govt in this behalf

property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall ~~be modified accordingly~~ Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued

effect Municipal Matter

17 After Section 91 the following new Section 91A shall be inserted —

Addition of new Section 91A

"91A (1) It shall be ~~the duty of every Municipal Council~~ to prescribe a line ~~on each side~~ of every public street within the Municipality and the Municipal Council ~~may from~~ time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof

Provided that—

(a) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council give public notice of ~~the proposal~~ and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and

shall not by the same in the ~~official~~ Gazette ~~Notice~~ and ~~same~~ shall ~~been~~

(b) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice

(2) The line for the time being so prescribed shall be called the regular line of the public street

(3) Except under the provisions of Section 113 no person shall construct or without the permission of the Municipal Council under Section 96 reconstruct any portion of any building within the regular line of the public street

(4) Whoever contravenes the provisions of sub section (3) shall be punished with fine which may extend to ~~one thousand~~ rupees and the Municipal Council may—

two hundred

(a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary

18 After Section 93 the following new Section 93A shall be inserted

Addition of new Section 93A Building not to be constructed or reconstructed otherwise than in accordance with the provisions of building

93A No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any bye laws made under this Regulation relating to the use of building sites or the erection or use of buildings

Provided that the Government may in respect of all Municipalities or with the consent of the Municipal Council in respect of any particular Municipality or portion thereof exempt

all buildings or any class of buildings from all or any of the provisions of this Regulation or the bye laws made thereunder

Add t f w S t 93B

19 After Section 93A the following new Section 93B shall be inserted —

l w of M pal C l t l t f tu t t f oe t l f l ld g t t l t f l l t

93B (1) The Municipal Council may give public notice of its intention to declare

(a) that in any streets or portions of streets specified in the notice

(i) continuous building will be allowed

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural feature be such as the Municipal Council may consider suitable to the locality or

(b) that in any locality specified in the notice the construction of only detached buildings will be allowed or

(c) that in any street portion of streets or localities specified in the notice the construction of shops warehouses factories huts or buildings of a specified architectural character or buildings designed for particular uses will not be allowed without the special permission of the Municipal Council

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice

(3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration and before doing so may modify it but not so as to extend its effect

(4) The President shall publish any declaration so confirmed and it shall take effect from the date of publication

(5) No person shall after the date of publication of such declaration construct or reconstruct any building in contravention of any such declaration

20 After Section 93 B the following new Section 93C shall be inserted —

Add t f n w S t 93 C Buildings t rn f stre t

93C (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity

(2) For any land so acquired the Municipal Council shall pay compensation

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets

Add t f New S t 95 A

21 After Section 95 the following new section shall be added —

96. [illegible]

[illegible]	[illegible]	[illegible]
For "[illegible]" substitute [illegible] "[illegible]" [illegible]	MARRAS 193	20 [illegible] [illegible]
For "[illegible]" [illegible] "[illegible]" [illegible]	MARRAS 194	

Purpose	Authority	Remarks
	Bill Bill – cl 10 Under cl 9 (5)	For "the amount of" [illegible] "[illegible]" or "[illegible]" as may be approved by the [illegible] [illegible]
		2/-
Enumerating planes for keeping pegs and posts.	Madras – Schedule II (19) Bombay Bombay Bill – – Calcutta Cor Bill Provisionally amends to enumerating planes for keeping posts and pegs Under the Kennedy Report 1921	[illegible] [illegible] [illegible]

95A The Municipal Council may require that any building used or intended to be used as a grain shop or grain store shall be erected so as to render such building rat proof and may for this purpose prescribe the plan and the design to adopted and the materials to be used for such building

Rat proof building for grain shop o gra n tore

Provided that the provisions of this section shall be forceable only within such areas as may be notified by the nicipal Council from time to time with the previous appro of Government

22 After Section 137 the following new section shall be inserted —

Addit of n w S tion

137A Within such limits as the Municipal Council may direct no person shall keep more than ten pigs or more than twenty goat without a license fr m the Municipal Coun cil The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think nce sary Who ever keeps any pigs or goats contrary t the provisions of this section shall be punishable with fine which may extend to Rs 25

23 (1) For clause (k) of Section 151 the following shall be substituted —

Am dment f Se t n 151

(k) For boiling pressing cleansing repairing or manu facturin b a process whatever oil (edible or non edible)

n same section the following shall be added after clause (i) —

(ii) for parching grain

er c ause (n) in the same section the following additional clause shall be inserted —

(nn) for storing grain for trade purpcses

(4) for the word smells in clause (o) of the same section the words smells fumes or dust shall be substituted

24 After Section 151 the following new section shall be inserted —

Add tion f n w Section 151A

151A (1) No person shall newly establish in any premises any factory workshop or work place in which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permis sion of the Municipal Council

F ctor es crowded lo- alit es

(2) The Municipal Council may refuse to give such ission if they be of opinion that the establishment of such factory workshop or work place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the of any bye laws framed in this behalf

(3) Whoever establishes in any premises any factory, workshop or work place as aforesaid without or after the refusal of such permission or in contravention of the terms of any bye law framed in this behalf shall be punished with fine which may extend to two hundred rupees

Add t w S 151B

25 After Section 151A the following new section shall be inserted

151 B (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month s notice to the licensee

Provided that where the licensee has contravened any of the conditions of the license the license may be withdrawn without any such notice

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees

Add t w 161A

26 After Section 161 of the Regulation the following new section shall be added as Section 161A

161 A A Municipal Council may—

P t p l ff

(a) compromise with any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Regulation or any bye law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence

(b) withdraw from prosecutions instituted under this Regulation or under any bye law made thereunder

(c) compound any offence against this Regulation or against any bye law made thereunder which under any enactment for the time being in force may lawfully be compounded

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section

Add t w S 164A

27 After Section 64 of the Regulation the following new section shall be added —

164A No distraint shall be made no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date

[redacted] Cl (12)

Brus[redacted] A.

[illegible]
recommendation

see Cl 9 (3)

A M committee's
[illegible] commission
recommendation

50 & S G 477

Cl Bru - Cl 13
[redacted]

A M committee's
recommendation

50 & SG 469
Mar 345

Purpose Authority Remarks

LSG

Gen Bill – Ch 19
70 pens at for one case

Instructions and
comment thus
received on
[illegible]

2 Mo

Matters [illegible] pens
for one cases [illegible]
[illegible] under
substantive law

Ch 180 B
[illegible]

Admin

AD

on which such distraint might have been made a suit might have been instituted or prosecution might first have been commenced as the case may be in respect of such sum

Add t f w S tu n 173A

28 After Section 173 of the Regulation the following new Section shall be in erted —

173A The Deputy Commissioner shall have power—

D puty Com m si p w f p ct f M p l C n f

(1) to inspect the office of any Town or Mino Municipal Council

(2) to call for records of any Town or vinor Municipal Council either of his own motion or on the application of an aggrieved party and to submit the same with his opinion to Government for such orders as they deem fit to pass if he is satisfied that the order or proceedings of the Council or its executive is wrong or contrary to law

Am d nt f S t n 180A

29 In Section 180A of the Regulation the words or other Municipal Councils specially exempted shall be added after the words City Municipal Councils

30 (1) In Schedule II above the words on every four wheeled vehicle with springs 0 8 0 the following words shall be inserted namely —

On every motor car	Re 1—0—0
On every motor cycle or bicycle	Re 0—8—0

(2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation *viz*

Explanation 3 —No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal District Fund or State toll gate provided that when toll has been paid in respect of any vehicle or animal not laden or unridden the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden shall be collected if such vehicle or animal again passes through a Municipal toll gate laden or ridden within such period

Explanation 4 —Any Municipal Council may with the previous sanction of the Government declare that payment of tolls on vehicles or animals at any toll gate whether within or without Mysore shall clear such vehicles or animals at any of their toll gates

SCHEDULE II A

(See Section 59 clause xi)

						Sort				
						1 t	2nd	3rd	4th	under
b I	M l) wl	Il	I C ty M	p l t		50	40	30	20	
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Oth	b I p l p		I C t M n	p l t		1	12	9	6	4
			I tl M	I l		12	10	7	4	2

STATEMENT OF OBJECTS AND REASONS

The Local Self Government Conference of 1923 suggested a few changes in the Municipal Regulation and the principles of the change that were approved of by Government were placed befor the Representative Assembly at its Dasara Session of 1924

At the meeting of the Legislative Council held on the 11th August 1923 the Bill to amend the Municipal Regulation which was pending before the Legislative Council was withdrawn on the ground that there were some defects noticed in the Bill The provisions of that Bill have been further examined and have been incorporated in the present Bill so far as was considered desirable

Notes on clauses

Clause 1 —The amendment of Section 10 of the Regulation is intended to provide that the elected element in minor Municipal Councils should be not less than one half of the whole as in the case of town Municipaliti

Clause 2 —This amendment will disqualify a Councillor from standing at a bye election and it would thus prevent a nominated councillor from standing as a candidate for election before his term expires

Clause 4 —Clause *(d)* of sub section (1) of this clause provide for the election of Presidents by the general body of voters whenever Government so directs

Clause 6 —This is intended to provide that a single committee is sufficient for economic development work

Clause 7 —By this clause the proportion of co opted member to the member of the committee is increased from ¼ to ⅓

in order to enlist the co operation of more enthusiastic and earnest workers from outside the Municipal Council

Clause 9 —Provision is made for greater control over hotel keepers bakers etc in the interest of public health to make proper arrangements for housing the poor and for the regulation of buildings used as grain shops and of buildings constructed on sites abutting street

Clause 10 —This is intended to ensure the expenditure of the sum allotted for economic work in Municipal areas exclusively for that purpose

Clause 12 —Provision is made in this clause for the levy of shop tax in lieu of profession tax in respect of the business carried on in the shop

Clauses 13 and 14 —Provision is made for the leasing out of the right to levy tolls and to collect other fee

Clauses 15 and 16 —Provision is made in this clause for the execution of warrants outside the Municipality in which they are issued

Clauses 17 18 19 20 and 21 —These are intended to regulate the alignment of sites with respect to the prescribed line of street and to regulate the construction of certain classes of buildings in particular localities Due provision will thus be made to secure uniformity and beautification of cities

Clause 22 —This provides for the regulation of the keeping of certain animals such as goats and pigs which are a nuisance to the inhabitants of a Municipality

Clause 23 —Purchasing grain and storing grain for trade purposes have been included among the uses by which a building may become a nuisance

The process of oil boiling has also been more comprehensively defined than at present consequent on a recent decision of the Chief Court

Clause 24 —This is intended to regulate the establishment of factories or workshops in premises in crowded localities

Clause 25 —The use of whistles in factories and other places is proposed to be controlled by this section so as to minimise the disturbance to the neighbourhood

Clause 26 —This provides for composition of offences and withdrawal of prosecution for offences against the Municipal Regulation and Bye laws in view of the trivial nature of many of the offences

Clause 27 —The period of limitation for taking legal

Clause 28 —This provides for inspection of the offices of Town or Minor Municipal Councils by Deputy Commissioners of Districts

Clause 29 —By this clause provision is made for the exclusion of control by Deputy Commissioners over Jahgir Municipalities

(PB— 35— 92

III—8]

Routine Notes.

[For be used only for notes, regulations etc., not intended for permanent record.]

26-1

Ml 193

Submitted

Further report of the Select Committee appointed to consider the Bill to amend the Municipal Regulation is submitted for approval

The first page dealing with Sec 48, forms part of the previous portion already sent to the members. Further changes had to be incorporated, in view of the opinion of the Committee in relation to [illegible] 91 — is incorporated now

Add

2nd member

Cay 24/11

In all the three bills the signatures of the members should be taken as the last meeting, & no further second copies. Please add the preliminary remarks in consultation with Sri Bunca Rao

Draft the bills, on the next meeting of State members, the chairman will put a clause be taken up Section by Section, and on the proposations, and be passed as Re-

N.B. Should routine notes be written on small slips the notes must be copied or slips pasted on this form

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Mr. Narasimha Rao
a house a [illegible] may
be added to Gazette in the
Secy

[illegible]
22/11

Mr. Abbas Khan [illegible]
be asked [illegible] as
his suggestions left out,
(as part of [illegible] house measure as
part of [illegible] house)
& so such points may
follow. Draft need not delay
for this

[illegible]

[illegible]

Recd. Cong. of 12 [illegible]
The refn. about
Mr. B. Narasimha Rao
been sent to the Govn

[illegible]
30/4

[illegible] Mr. Mohammed Abbas Khan
[illegible]
[illegible]

Should routine notes be written on small slips, the notes must be copied; or slips pasted on this form.

[illegible] 15/4/12

GRS L...

Routine Notes

[To be used only for notes, requisitions etc, not intended for permanent record.]

26

Mc 1 1973

submitted

Further report of the Committee appointed to consider the Bill to amend the Municipal Regulation submitted for approval

The first paragraph dealing with Sec 48 forms part of the previous portion already sent to the members. Further changes had to be incorporated, in view of the opinion of the Committee in relation to Sec 47. This is incorporated now

ADD

2nd members

In all the three bills the Signatures of the members taken at the last meeting, & no further copies. Please add the preliminary lines as in Rao & consult with Dr Rao

Add the bills

Dmember

The ~~clause~~ in CC not a clause be taken up Section by Section, & on 9 suggestions will be considered, & the ~~bill~~ changes have the finally passed the Re-

Should routine ... be written on small slips the ... must be copied or slips pasted on ... m

[illegible] meeting
on Saturday [illegible]
as Mrs D [illegible]
meanwhile I can to be
sent you off in

BC
30/11/25

Submit to Secretary
for orders

BR
30 11-25

It is not known when these papers were brought and left here. They were ~~not~~ found on Mr P Srinivasa Rao's table this morning and he was not here on Saturday afternoon. In the Protection Br with copies for kindly stating why these papers have been sent here and when they were sent

SR

30.11.25

No of letter replied to

and Revenue Secretariat

( )

the *192*

of issue 30/11/25

by M. Leg

of enclosures

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File No

Serial No

No 5723

To Mohamed Abbas Khan Esq
President MC comes
& members desp. of
Being a Leg.

Sir,

Adverting to the Select committee report on the Bill to amend MC Regn sent to you on

I am directed to state that if any of your suggestions have not been included in Part II of the report they may be brought up

over

III—3]

Routine Notes

used only for notes, requisitions etc., not intended for permanent record.]

Submitted

Changes proposed by the Select Committee on the Bill to amend the Municipal Regulation are herewith submitted (so far as the Committee has till now proceeded) in the form desired by the member. Amendments of Sections which are not contemplated by the Bill, will be ~~dealt separately~~. In this connection, there are a few points, which have to be submitted to the member. As the member was busy today, I will submit them tomorrow.

Note to Sec
Lee
25/11

2nd member)

Cary
2/11

4037
2/11

Your read by XI AM today
please come at 9 AM
tomorrow, when I shall
be less busy

Lee
3/11/29

routine notes be written on small slips
the notes must be copied or slips pasted on
this form

(b) (i) No tax of any kind mentioned in the aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of his Highness the State, or his Highness the Yuvaraja or for the use of the ~~[illegible]~~ [illegible] or of His Highness the [illegible] the [illegible] or in respect of any valuable animal or [illegible] belonging to His Highness the State or any [illegible]

(ii) [illegible] ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ [illegible] no tax on any [illegible] mentioned shall be leviable, except ~~[illegible]~~ a [illegible] ~~(under Clause (ii) of sec 5 of the Act)~~ [illegible] water-rate payable which shall be levied from the occupiers thereof.

(c) No toll shall be leviable for the passage or conveyance of the property of His Highness the State or his Highness the Yuvaraja or of Government Stores or of any other Government property or for the passage of Medical or Police officers or the conveyance of any person or property in their custody

Issue [illegible]

1 Formula [illegible]
& Exact [illegible]
Other Changes —

2 Amendments proposed in
addition to what is contained
in the Bill

On this Regulation coming into force such of the elected Presidents and Vice Presidents as are in office will continue as such - - during the term of their office as ~~Councillors~~ Councillors

Recommendations

Provide for power to
reappoint
sec – 36(2)

s – 37 –

[illegible] reasonably and often
[illegible] to [illegible]
[illegible]
that may be found in the
behalf

– (Reg. [illegible] 25 – 29

37 instead of "to be
made" [illegible]
"that may be found"

46K
[illegible]
[illegible]
[illegible]

3) [illegible]

[illegible]
[illegible]
[illegible]

exclusive of the President in the
Cases falling under Sec 23 (1) (d),
~~of~~ inclusive of the President
in other cases, in the
~~Whole~~
~~provided that the President~~ or in
~~be~~ appointed by Govt by
name ~~to not a mel Counsellor~~
under Sec 23 (1) a
or President elected under Sec 23
(1) (d), to not ~~elected~~ a mel Counsellor
these ~~proportion of~~ two-thirds
of one-half of the Whole
number ~~for~~ mentioned
in this section, shall be
exclusive of the
President so appd or
elected & the President
so appd or elected
shall be an additional
Counsellors

[redacted]

Sub Note [redacted]

✓ 1 – Change "Shall" into may

✓ (2) – See point – Consequential Changes to be effected in the Rules

(3) If the Cl. Ct have held that Tatte Walls are not wall in sense of building, bring in an

✓ 3 amendment Proviso Changed

[redacted]

cl (4) –

~~Start at 4(b)~~

(2) The no. of Elected Councillors shall be not less than 75% of the case of City & not less than half the whole number of the case of other municipal cls

or not more than 1/3 of the nominated Councillors are half of the whole number may be declared [illegible]

[redacted]

[illegible]

Renumber cl (4) & sub-cl (3) so as to provide & bring cl below

(4) — o —

(b) -

Leave not in the last preceding section shall not be granted for a period exceeding six months,

whenever leave is granted to a President or the Vice-President or Senior V.P. if any, shall perform all the duties and exercise all the powers of a President during the period for which such leave is granted.

~~When a vacancy occurs in the office of the V.P. for any reason, a Chairman shall be elected by the Council of State from amongst the members of the Council.~~

and if there is no V.P., ~~Council shall be appointed~~

~~and the office of the~~ no V.P. or the office of the V.P. is vacant, the vacancy shall be filled by ~~appointing a President~~ ~~or appointing an officer~~ election by the Council of State from among members of ~~the~~ Parliament (Lok Sabha) under clause (a) of sec 23, ~~[illegible]~~ ~~[illegible]~~

of the party [illegible]
under cl (1) [illegible]
first may ~~appoint a person~~ fill the vacancy

---

and there is no V.P. to
the vacancy [illegible] in
~~a Councillor Block be appointed~~
~~of such a Electorate~~ the
~~Nat Council~~ following of election
of the Nat Council for ~~[illegible]~~ of
Members, ~~whether~~ where the
was elected under clause
~~(1)~~ 4(d) ~~[illegible]~~ of Sub-
Sec (1) either such person
in such manner
as may be prescribed by ~~[illegible]~~
rules or form of such the behalf
If the Council fails to elect
or if the appt of ~~the~~ was
under cl (1) (a) above, it
first may ~~fill~~ appoint the mean
~~[illegible]~~

When leave is granted to a
a V.P. or when he is acting
from the Remainder the Mem.
may respectively appoint or elect
either can maybe of some
other Councillor thereto

---

4 (2) - [illegible]
[illegible] of the [illegible] and Cl
and the Electron

Cl (4) (8) —

For all vacancies, where are not otherwise provided for the Govt may appoint any person to perform all the duties & exercise all the powers of a P or VP during such vacancy

Add — 6 sa — Transitory provision

On this Act coming into force, the Commissioners of the elected P's & V P's, as are in office, were elected under Reg Reg II of 1923, force till the ~~[illegible]~~ continuing as under during their term of office as Councillors, ~~[illegible]~~

Sec 2b —

by a per'son passed by not'ce
[illegible] an anchor [illegible] ~~[illegible]~~
of [illegible] words, at a meeting

Defns — ad's are to define 'whole number' as under [illegible] Section 11

2b (14) — Instead of Cont' Surgeon, — substitute — and the Sanitary, Office in a Distt

" " 'exp a — Cont Surgeon & 'ans 14' 'ans'

Cont Sanitary Officer
" " —

26 (3) – between in "three days" insert "except in cases of urgency"

— 8 —

in 46 – Provide for rules under 36 (2) – + 37

38(2) – add such – each place –

~~add "in accordance with the rules"~~

Shall be subject to reasonable + open to appeal to the Court in accordance with rules that may be framed by the Court

also add see 29A

37 – insert "other" before "rules" say "that may be framed"

46 cl (2) add

~~preceding the constitution of a tribunal to which [illegible] may be made~~ under 26(3)

or

~~in 26B add cl (2)~~

(8) ~~and~~

as, daily hotel, restaurant, eating house, Coffee house Boarding house, lodging house, other than as Shooting hosts was prior or recognised Canteen, Bathing, Sweaters at shop or factory or manufacturing Ice or Aerated Waters, ~~preparation or manufacture for sale and sale of articles of human~~ or

---

10

(1a) — to be (2) may be received — of the three numbers mission — the cases, they may be

Pay so men at the recent

see (25) (2) to be changed.

Conflicts with proviso to 70
Does not provide for hawking outwork or of servant —

Sign Shall be either,

(a) — — or

(b) — — "

(c) — and from among these numbers after (Cancel)

change to be effected on the Bill when passed for any

See 23 - (3) - Ref to Sub sec (1) to be altered so as to apply Sub sec (2) of sec (Assess of mi ") to

| 111

exchanges — free of charge to enter into a contract with the Peace Tribunal

48 (a) After markets insert, all public places used for the sale of articles.

Cl 14 (3) For the word 'Resident' — substitute municipal Council

Cl 6 For "be modified accordingly" substitute "apply mutatis mutandis"

(b) No tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building intended for the occupation of the Yuvaraja Maharaja or the Yuvaraja or for the location of the secretariat establishment of the Yuvaraja the Maharaja and in respecting all other Palace-owned property, no tax of any kind imposed as aforesaid shall be leviable except the special Sanitary Cess which shall be recoverable from the occupants thereof

(b) No tax shall be leviable for the passage or the conveyance of the property of His Highness the Maharaja or the Yuvaraja or any other property of the passage thereof or their officers subject to the passage or conveyance of [illegible]

Insert as "Post Office Monopoly"

[illegible]

[illegible] 12 after [illegible]

[illegible] "business" [illegible]

[illegible] "or profession"

before business insert [illegible]

'[illegible] and' inconsistent on [illegible] regarding income

Recommendation

8(a) After 'markets' [illegible] all public [illegible] for the sake of [illegible]

[illegible] 12(2)(b)

[illegible] 14(2) [illegible] the [illegible]

'President', [illegible]

[illegible] 14 [illegible] be [illegible]

[illegible] substitute 'aft[illegible]

'[illegible] states [illegible]

[illegible] In [illegible] 'of' [illegible]

'Lawful for

In 'every' [illegible] for any [illegible]

[illegible] "[illegible]"

[illegible] for 'every' [illegible]

(3)

As 202 [illegible]

9(4) - [illegible] after (3)

[illegible] If any person suffers [illegible]

[illegible] - expel [illegible] not, [illegible] permission under cl (3) [illegible] sub-sec(1) of this section, he [illegible] be entitled to claim compensation [illegible]

[illegible] 160

17

91 A a after sub Clause and shall notify the same to the days [redacted] ~~shall give~~ and

for 'the proposal' - say

after "shall" add also"

cl 17 A (1) for every sub cl - substitute "any city ~~Sub cl~~ municipality - such the municipality as may be notified by Govt in this behalf"

=

also add to the proviso

(c) The municipality shall prepare ~~draw up~~ a map of the area comprised within the said two line and the street concerned a a statement specifying the lands enclosed therein, which shall be open for inspection ~~the~~ of public

~~cl 17(4) - Parent, add, after "may" - must and after "also" add "also"~~

Part II 93 A Reconstituted to be constituted

~~Very~~ Sanche + the is mpts

Part II

Sec. 96 (2)

"or prohibiting" its use
~~manufacture~~' — after
'projects'
After 'street' add "or building"

'101 (a) Delete
96 provisions of
Whole goes —
all provisions for
in 96 (2) the
proposed amendment

Sec. (93A) & B appear
to have been drafted in
consequence that 96 provisions
~~these~~ matters

Clause 21 Sec 95A.

for "as a power ship or power
-store" subs "as a
~~[illegible]~~ for the storage of power
after "shall be" add "protected"

Mr Furnacher dissents
which see minutes

cl 22 — for "the" say "a"

Reduce number to 5 for pig
10 for boats

Sec 142 (2) "In a
municipality, and in any other
municipality which the [illegible]
to be substituted for the 1st —

Part IV

PII Scale of
punishment —

Part I

Sec 144 (d) — After
and of the "Health Officer"

[illegible] — ~~for repairing~~ — say "prepar[illegible]

[illegible] as [illegible]

[illegible] and a sub-clause as (b) (iii) to cl (b)

of Sec 48 — "as app's for the preparation or [illegible] of oil" + Court ~~make~~ (iii) into (iv)

~~to see [illegible] — for preparing [illegible]~~

To

(2) (1) [illegible] — [illegible]

under to Sec 48 (b)

include a ~~[illegible]~~ Part ~~[illegible]~~

V) "for parching [illegible]
Be [illegible] or a [illegible]
Sea [illegible]

x 24 Begin [illegible]
[illegible] of [illegible] sea, [illegible]
~~[illegible]~~ in a [illegible] Calcutta [illegible]
or any other [illegible] [illegible], by [illegible]
[illegible] — [illegible] — [illegible]
together [illegible] [illegible] [illegible]
[illegible] omit — 'new'

x 25 [illegible]
[illegible] any [illegible]
[illegible] a [illegible] — [illegible] — [illegible]
[illegible] Begin [illegible]

13 Part II

[illegible] [illegible] — [illegible], or any
[illegible] [illegible]

Part II

104 (b) omit "going or"

Part II

(d) If service cannot be effected by any of the means referred to in the 78th section

Cl 27. — omit words "& no trial shall be adjourned"

Cl 28 omit "wrong or" takes "either of his own motion or on the application of an aggrieved party"

Cl 30 omit the words "& articles" and "on every motor bus — 2 on"

Explanations (3) + (4) The amendments left to the discretion of the drafts to frame rules

Sec 169 Part II "Budget on the Conveyance of Goods" omit "& left out" and "accordingly"

Part II

Sec 173 — omit the words "to be extended" "exclusive of the time" "Calculated" "specified in 173"

[illegible]

[illegible] the [illegible] a
[illegible] [illegible] [illegible]
[illegible] the [illegible] of [illegible]
Qst a/ act [illegible] as the
shall or [illegible] [illegible]
the [illegible] of [illegible] specified
in such shall or [illegible]
[illegible] shall be [illegible]
[illegible] article [illegible] [illegible]
[illegible] [illegible]

add to Sec. 1420

(b) (i) No tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja

(ii) In respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid shall be leviable except a special Sanitary cess and excess water-rate, if any, which shall be recoverable from the occupants thereof

(c) No tax shall be leviable for the passage or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government Stores or of any other Government property or for the passage of Military or Police officers or the conveyance of any person or property in their custody

(b)(i) No tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja, or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja,

(ii) In respect of all other buildings owned by the Palace and used as rent-free residences no tax of any kind as aforesaid shall be leviable except a special Sanitary cess and excess water-rate, if any, which shall be recoverable from the occupants thereof,

(c) No tax shall be leviable for the passage or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government Stores or of any other Government property or for the passage of Military or Police officers or the conveyance of any person or property in their custody

In cases where permission is required to a person for reconstruction or alteration ~~such as~~

~~Where a local Council~~

where

Such

the

shall be permission

~~Commission~~

of the local

has

fails or — the requisite

q ee ee ee ee

In cases where permission ~~is required~~ the Local Council

is permission to reconstruct

but any part

the building or to alter the position

the height or the size —

~~the owners of~~

Council shall

adequate compensation

owner ~~of such~~

respect of such part

land as falls with

— after mentioned

1 Sec 157 ~~of~~ (1)

2 Sec 26 B(2) "and more resolutions"
(~~after~~ between President-Gen)
(Regn of 1923)

3 In 18b B, Insert between "announce" and "May" for "Shall"

~~Sa~~

Dissenting Notes

1 'User'

2 – Place of home

3 – Paying assessment

4 Sa46 – Making rules

PRO

—1175

No 9424 Office of the Secretary Legislative-Council,
Bangalore, Dated 29 January 1925

N o t i f i c a t i o n

The Report of the Select Committee appointed to consider the Bill to further amend the Mysore Municipal - Regulation VII of 1900 which was printed in the Mysore - Gazette dated the 17th December 1925, is reprinted below Some mistakes which were observed in the printed Report have been corrected here and the changes proposed by the Select - Committee are clearly exhibited

By Order,

R Ramachar

Secretary,
Legislative Council

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette in English and Kannada and for sending ..... 150 ... ... copies in - English and 50 copies in Kannada to this office. Proofs should be sent to this office for approval before publication

[redacted] M—1175

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BANGALORE THURSDAY, JANUARY 7 1926

PART III.

Legislative Measures and Rules thereunder

NOTIFICATION

Here [illegible]

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL, FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION VII OF 1918.

We the Members of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation met and considered the Bill at eight sittings. Mr B Narasinga Rao expressed his unwillingness to serve on the Committee and did not attend the meetings The clauses in the Bill which in our opinion require changes the amendments proposed by us and the reasons therefor are noted below We recommend that the Bill as amended by us may be passed by the Council

Signed B NAGAPPA
C NARASIMHAIYYA *
B K GARUDACHAR *
K SHANKARANARAYANA RAO
J RUDRAPPA
B V RAMASWAMY CHETTY
C SRIKANTESVARA AIYAR †
MOHAMED ABBAS KHAN
P G D SOUZA
K CHANDY (*Chairman*)

[*Signed subject to the dissenting note appended
†Signed subject to dissenting to the principle of [illegible] without actual payment of taxes]

Report of the Select Committee appointed to consider the Bill further to amend the Mys re Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
SECTION 10—PROVISO TO SUB SECTION (1) Provided that the number of elec Councillors shall be not less than thirds one half and one third the whole number inclusive of the President in City Town and Minor Municipal Councils respec vely and that not more than one of the nominated councillors be salaried servants of ent	1 For the proviso to sub section (1) of Section 10 the follow ing shall be substituted — [Provided that] the number of elected Councillors shall not be less than [two thirds and one half of the whole number inclusive of the President in the case of City and other Municipal Councils respective ly and that not more than one half of the nominated councillors shall be salaried servants of Govern ment]	1 For the proviso to sub section (1) of Section 10 the following shall be substituted — [(1a)] The number of elected councillors shall not be less than [**two-thirds in the case of City Municipal Councils** and **not less than one-half in the case of other Municipal Councils** of the whole number of Councillor and of the number of nominated councillors the **salaried servants of the Government if any shall not exceed one half** Provided that **when a President appointed** by Govern ment under clauses (*a*) and (*b*) of Sub section (2) of Sec tion 23 or when a **President elected** under clause (*d*) of the same Sub section **is not a Councillor** the **two thirds and one-half of the whole number** mentioned in this Section **shall be exclusive of the President** so appointed or elected and the President so appointed or elected **shall be an additional Councillor**]	In specified proportion	Recast to specify clearly the elected element in the different classes of Municipal Councils Recast so as to avoid a possi ble interpretation that one or more salaried servants of Govern ment should necessarily be nomi nated to a Municipal Council There is no such nomination in the City Municipal Council Bangalore This is firstly to provide for t appointment by Government of a President who is not already a Councillor—elected or nominated secondly to declare such a Presi dent as well as one elected by the general body of voters if not already a Councillor to be an additional Councillor and thirdly to exclude such Presidents when calculating the elected element in order that neither the number that may be nominated to a Council is reduced by one nor the number elected for separate Mohallas is reduced by one Unless the President in these two cases is an additional Coun cillor one or other of these alternatives r of which is desirable

(1) For every Municipal ...here shall be a President and whenever Government so ... one or more than one Vice ...t Where there are more ...idents than one the ...nt may direct which of ...is the senior for the purpose ... Regulation

(2) The President and the ...sident or Vice Presidents ... be selected from among the ... and for this purpose ... be either—

(a) appointed by the Govern... by name or

(b) appointed by the Govern... *ex-officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

3 After sub section (2) of Section 13 the following new sub-section shall be inserted —

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person [duly authorised in this behalf to represent such association] shall be deemed to be qualified to be elected a Councillor

4 For Section 23 of the Regulation, the following shall be substituted —

[(1) Every Municipal Council shall be presided over by a President who shall be either —]

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

(c) if the Government so directs elected by the [Municipal Council] in accordance with such rules and conditions as may be prescribed by Government in this behalf or

3 After Sub section (2) of Section 13 the following new Sub section shall be inserted — Amendment of 13

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor [Expires] Enrolment in Municipal Election necessary for elected Councillor

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person [who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation] shall be deemed to be qualified to be elected a Councillor Representative of Association

Troubles may arise as to whether a person was or was not duly authorised by an association such authorisation should be in writing and for obvious reasons the person authorised should not be subject to any disqualification under the Regulation

The existing provision which

4 For Section 23 of the Regulation the following shall be substituted — Amendment

[23 (1) For every Municipal Council there shall be a President and if and whenever Government directs one or more than one Vice President Where there are more than one the Government may direct which of them is the senior for the purpose of this Regulation] For every Municipal Council there shall be a President and Government directs one or more Vice Presidents

[(2) The President may be—]

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

(c) if the Government so directs elected by the [councillors from among their number] in accordance with such rules and conditions as may be prescribed by Government in this behalf or

Council shall have a President and may have one or more Vice-Presidents (if so directed) is retained in preference to the amendment in the Bill which leaves it to be inferred

Recast consequent on the above change

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation *contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
(c) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf	(d) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rules and conditions as may be prescribed by the Government in this behalf	(d) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rule and conditions as may be prescribed by the Government in this behalf	Sub clause (4)(a) in the Bill is omitted as it is already included in the amended Sub Section (1)
[(2)]	(2) (4) [(a) There shall be a Vice President for such Municipal Councils as the Government may direct]	[(3)] (4) The Vice President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf	
	[(b)] The Vice President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf		
	Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice President by name	Provided that the Government may for special reasons and in the case of such Municipal Councils as it may deem fit appoint the Vice President by name	
(7a) During the period intervening the expiry of the term of a President on the reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder take the place of the President until such elected or nominated President enters on his duties	[(3)] During the period intervening the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder [take the place of] the President until such elected or nominated President enters on his duties	[(5)] During the period [if any] intervening [between] the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of [City Municipalities and] Municipalities at district headquarters, or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder [perform the functions] of the President until such elected or nominatated President enters on his duties	When a President is elected under sub clause (2)(d) above there may be no interregnum So the words if any between the words period and intervening are inserted Municipalities at district headquarters include the two City Municipalities Hence the change For the words take the place the words perform the functions are substituted as more appropriate and legal

in the case of an ex-
resident or Vice President
dent or Vice President
a period exceeding three
s shall absent himself from
Municipality in such manner
to be unable to perform his duties
h President or Vice President,
cease to be President or Vice
ent unless leave so to absent
lf has been granted—

(a) by the Government in the case of a President or Vice President appointed under clause (a) of sub section (2)

(b) by the Municipal Council the case of an elected President Vice President

Leave under the last preced sub section shall not be granted period exceeding six months whenever leave is granted to a esident or Vice President under that sub-section a Councillor shall tod or elected as the case to perform all the duties exercise all the powers of a ent or Vice President during for which such leave is

(5) Except in the case of a salaried servant of Government who is either an appointed or an *ex officio* President every President [who for a period exceeding **three months**] and every Vice President who for a period exceeding [**fifteen days**] shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted—

(a) by the Government in the case of a **President** [appointed under clause (a) of sub section (1)]

(b) by the Municipal Council in the case of an elected President or [of a] Vice-President

[(6)] Leave under the last preceding sub section shal not be granted for a period exceeding six months [and whenever leave is granted to a Vice-President under that sub section a Councillor **shall be elected** subject to the conditions to which the election of the Vice President so absenting himself was subject to perform all the duties and exercise all the powers of a Vice President during the period for which such leave is granted]

[(6)] Except in the case of a salaried of
ment who is either an appointed or *ex officio* Presi t, every of P sid
President and every Vice President who for a period exceeding Vi
[**two months**] shall absent him self from the Municipality in such d nt without l a e.
manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted—

(a) by the Government in the case of a **President [or Vice President appointed by Government]**

(b) by the Municipal Council in the case of an elected President or Vice President

[(7)] Leave under the last preceding sub section shall not be granted for a period exceeding six months [Whenever leave is granted to a **President** and there is no Vice President for Council or the office of the Vice President is vacant the vacancy shall be filled up by election by the Council from among the Councillors whether the President was elected under clause (c) or (d) of sub section (2) within such period and in such manner as may be prescribed by rules framed by Government in this behalf If the **Council fail to elect the President** or if the appointment of the President was under clause (a) of sub sect on (2) the **Government may fill up** the vacancy When leave is granted to a Vice re ident or wi en he is acting for the Presi dent the vacancy **may be filled up** by appointment or election as the case may be of some other Councillor thereto]

Limit of grant of leav and

the di ig the pr first absence of the President and Vice President and the period of three months is too long A iod of two months is pre ibed

A Vice President can also be appointed by Government in certain cases There is no pro vision to grant leave in su h a case This omission is rectified by the addition of the words or Vice President The words under clause (a) of sub-section (1) refer only to the President and have therefore to be replaced by the words by Government as a Vice President is also included in the clause

Sub clause (6) in the Bill does not provide for all the c ses that

I resi n

It is replaced by the proposed sub clause (7)

(d) Every President and every esident shall be removable his office as such President or President by the Government for misconduct or neglect of or incapacity to perform his duty and the term of office of every President

[(7)] Every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or in capa ity to perform his duties [and the term of office of every President

[(8)] The term of office of every President and of every Vice President shall cease on the expiry of his term of office as Councillor and] every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties [**after an opportunity is afforded for hearing him**]

Te m of Office of Presid nt and Vice President and th r liability to be removed

The sub clause is recast to bring about a more logical order provision is also made to f id the President or Vice I ent an opportunity of being h ard before his removal

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

In the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
l of every Vice President shall be for a year unle s the term of the Council expires sooner Provided that in the case of City Municipalities his term of office shall continue for three years unless his term of office as Councillor ex pires sooner	and of every Vice President shall cease on the expiry of his term of office as Councillor]		
(7) In the event of the death resignation or removal from office of a President or Vice President other than an *ex offi io* President or Vice President or of his becoming incap able of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	[(8)] In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice Presi dent or of his becoming incapable of acting in such office or havi ceased to be a Councillor under sub section (2) of Section 1. pre vious to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	[(9)] In the event of the death resignation or removal from office of a President other than an *ex officio* President, or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub ection (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto [For all the vacancies which are not otherwise provided for the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice President during such vacancy] Vacanc es in the office how to be filled up.	This is to provide for casual vacancies
(8) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the nction of Government the salary any Government Officer whose are lent for employment as or President,	[(9)] The President or Vice-Presi dent of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government [Provided that] it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government, [the] salary [of] any Government officer [whose services are lent for employ ment as Vice-President or President	[(10)] The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary r allowances as such Municipal Council may sanction from time to time with the approval of Government * It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government salary [or allowances *o] any Government officer [who is appointed] as President or Vice President Remun a- t n f P de t a d V ce Presi d nt of Municipal Council.	[*Recast as this is not strictly a proviso to sub clause (9) The words whose services are lent for employment are replaced by the words who is appointed as being more comprehensive and applicable to actual facts The omission of the and substitution of to for of are made as salary is too restricted and not sufficiently definitive Allowances of the officer should be included in order to provide for cases in which only an allow [illegible] Municipal [illegible]

Inspector and the **Civil** n in a district when charged **any of the duties of a Health** therein if not members of unicipal Council within the dis trict shall have the right of being present at any meeting of such Municipal Council and with the sent of the Municipal Council each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office considers his opinion or the mation which he can supply will be useful to such Municipal Council

* * *

(*b*) If it shall appear to a Muni e al Council that the presence of Executive Engineer Educa- Inspector or **Civil Surgeon** of the district is desirable for purpose aforesaid at any future meeting of such Municipal Council it shall be competent to such Muni- Council by letter addressed officer not less than fifteen previous to the intended meet to require his presence thereat the said officer unless prevented sickness or other reasonable shall be bound to attend meeting

* * *

Explanation —The terms Executive Engineer Educational Inspector and ' **Civil Surgeon** in sub-sections (13) and (14) of this section include the Principal Engi neering Educational and Medical Officer respectively in or for the district

5 [In the at the end of Section 26 e s or Sanitary shall be inserted after the word Medical]

5 [(1) In clause (*a*) of sub section (14) of Section 26 the words Civil Surgeon in a district when charged with any of the duties of a Health Officer therein the words **Chief Sanitary Officer** in a district shall be substituted

Amendment of Section 26

(2) In clause (*b*) of the same sub section the words **Chief Sanitary Officer** shall be substituted for the words Civil Surgeon

(3) For the explanation at the end of Section 26 the following shall be substituted —

Explanation —The terms Executive Engineer and Educational Inspector in sub sections (13) and (14) of this section include the principal Engineering and Educational Officer respectively in or for the district]

The use of the words " vil Surgeon etc in the sub section is inaccurate Rather than retain the words and explain them later it is better to repla e them b, the words Chief S nitary Officer in a district so as to bring about the desired result and exclude the Chief Sanitary Inspectors of districts

Consequent on the change made above

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

on in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
46 Every Municipal Council sh l a ay be after the constitution thereof and subject to the provisions of Chapter XIII A make and may from time to ti alter or r d rules but not so as to render them inconsistent with this Regulation their bu in and the delegation of any of their powers or duties and subject to the provisions of secti 27 the appointment and constitution of committees (*b*) determining (*i*) the executive functio s to be performed by the preside vice president the chairman of an committee and subject to the provisions of Chapter XIII in City Municipal Councils by the Chief Officer and subject to the provisions of Chapter XIIIA by the Municipal Commissioner and the delegation of any of their powers or duties to such persons (*ii*) the staff of officers and servants to be employed by the Municipal Council and the respective designations duties salaries fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under Section 37 (*c*) generally for the guidance of their officers and servants in all matters relating to the municipal administration	8 The following shall be su tuted for proviso (*a*) to Section 46 of the Regulation *viz* — (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) c e) (*f*) (*g*) and (*h*) in r pec al r any class of Municipal ouncils] or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under thi section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government	8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* — Amendment of Section 46 (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in respect of [any Municipal Council] or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is r pugnant to any rule made by the Government and unless and until it has been also approved by the Government	Power may be given to Government to frame rules in respect of any Council rather than any class of Municipal Councils There may be cases when a Municipal Council falling under a certain class may not be in a position to be subjected to such rules

(d) fixing the amount and of the security to be furnish by any officer or servant from whom it may be deemed expedient to require security

(e) subject to the provisions of section 184 determining the mode and conditions of appointing punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant

(f) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any appointed to act for them whilst on leave

(g) subject to the provisions of the Mysore Service Regulations and to the special orders of Government, if any regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants or any of them shall receive pensions gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty and the amount of such pensions, gratuities, or compassionate allowances and prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations of any such officers or servants whose death has been caused through the execution of their duty

Report on the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
(*h*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants * * * Provided that—(*a*) No rule made or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government (*b*) * * * (*c*) * * *			
48 (1) Every Municipal Council may from time to time with the previous sanction of the Government make alter or rescind bye laws but not so as to render them inconsistent with this Regulation— * * * (*b*) prescribing the conditions on or su which and the circumstances in which an e or localities in respect of which licenses may be granted refused suspended or withdrawn for the use of any place not belonging to the Municipal Council — (*i*) as a slaughterhouse ; (*ii*) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables (*iii*) for any of the purposes mentioned in Section 151	9 (1) After sub clause [(*ii*)] of clau e (*b*) under sub section (1) of Section 48 the following new [sub clause] shall be inserted — [(*iii*) as a hotel bakery sweet meat shop or otherwise for the preparation manufacture or sale of articles intended for human food or drink the present sub clause (*iii*) being re numbered as sub clause (*iv*)]	9 (1) After sub clause [(*iii*)] of clause (*b*) under sub section (1) of section 48 the following new [sub clauses] shall be inserted — [(*iv*) as a dairy hotel restaurant eating house coffee house sweetmeat shop bakery boarding house or lodging house (other than a students hostel under public or recognised control) or for manufacturing ice or aerated waters] [(*v*) as a place for the **preparation or manufacture of oil**] [(*vi*) for **parching grain or Bengal gram** on a large scale]	Amendment of Section 48 Sub clause (1) of clause 9 of the bill as too general and would even cover any private house where food is prepared for the consumption of the inmates The idea is to license only such places as are used for the preparation etc of food and drink for purposes of sale or where accommodation is given for payment The clause is accordingly revised *Vide* note against clause 23 of the bill

of the conduct of
ss in any place used as a
foresaid so as to secure cleanliness
n or to minimise any injur
offensive or dangerous effect
arising or likely to arise there-
m

(e) providing for the inspe-
tion of hotels bakeries sweetmeat
shops and other places for the sale
of articles intended for human food
or drink other than those men
tioned in clause (b) and for securing
the cleanliness of such places and
the wholesomeness of the articles
prepared kept or sold therein,

* * *

(m) regulating the use of pub
ing and washing places
within municipal limits

(n) regulating sanitation and
conservancy

(o) regulating the disposal of
of dead animals

(p) regulating the conditions
which permission may be
for the temporary occupa
of or the erection of
temporary structures on public
streets or for projections over
public streets and regulating the
structure and dimensions of plinths,
walls, foundations roofs and chim
neys of new bulidings for the pur
pose of securing stability and the
prevention of fires and for purposes
of health

* * *

[(2) After sub-clause (sv) of clause (b) under the same sub-section the following new sub-clause shall be added —]

[(v)] or for any other purpose for which the taking out of a license is or may be prescribed

[(3)] * * *

[(4)] In sub-section (1) of the same section the following shall be inserted [between the clauses (o) and (p)] —

[(oo] regulating the condi tions for the construction use and disposal of the houses intended for the poor

[(5)] * *

[(6) At the end of the same clause after the semicolon the fol lowing words shall be added and prescribing a time limit for the erection of buildings]

[(7)] * * *

[(vn)] or for any other purpose for which the taking out of a license is or may be prescribed

[(2)] * * * *

[(3)] In sub section (1) of the same section the following shall be inserted [after clause (n)] —

[(nn)] regulating the conditions for the construction, use and disposal of houses intended for the poor [under clause (bb) of Section 56]

For con structing hous s for the poor

[(4)] * * * *

Omitted

[(5)] * * * *

Sub clause (2) of the bill has been omitted and the same in cluded under sub clause (1)

The proper place is after clause (n) and hence the change

The substantive provision of law which relates to this clause is clause (bb) of section 56 Hence it is mentioned here

"

any time limit for buildings The provision was inserted when the idea was to resume sites when buildings were not con tructed for an indefinite period Now that provision for resump ti n is not inserted in the present bill this time limit becomes illegal

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
59. Any Municipal Council— (*a*) after observing the preliminary procedure required by section 60 and (*b*) with the sanction of the Government and subject to such modifications or conditions as under section 61 the Government in according such sanction deems fit may impose for the purpose of this Regulation any one or more of the following taxes that is to say a rate on buildings or lands or both situate within the municipality not exceeding in any case * * * (*x*) a tax on arts professions trades and callings and on offices and appointments at rates not exceeding those specified in schedule III (*xi*) an educational cess not exceeding two annas in the rupee in the City Municipalities and one anna in the rupee in the other Municipalities on taxes levied under clauses (*i*) and (*x*) to be utilised solely for purposes of education (*xii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in sub-clause (*i*) of (*a*) of section	12 (1) After clause (*x*) of section 59 of the Regulation the following new clause (*xi*) shall be inserted the present clauses (xi) and (*xii*) being re numbered as (*xii*) and (*xiii*) respectively — (*xi*) a tax on shops where business is carried on for [purposes] of profit payable half yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or perons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (*x*) in respect of the business carried on in the shop	12 (1) After clause (x) of section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re numbered as (xii) and (xiii) respectively — Amendment of Section 59 (*xi*) a tax on shops [and other places] where [a] business [or profession] is carried on for [purpose] of profit payable half yearly by the person or persons engaged in the business [or profession] at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or persons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (x) in respect of the business [or profession] carried on in the shop [or place]	A shop does not include a place where a profession is carried on Hence the change One of the main objects of levying shop tax instead of profession tax is to avoid secret and often unpleasant enquiry as to the income of a person who is carrying on a trade business or profession The alternative shop tax now proposed dispenses with such an enquiry The place where a trade or business or profession is carried on is proposed to be taxed As in the case of shops there will be different scales of taxation for places of business or profession Also when a tax is levied under the section there is no minimum income fixed as for profession tax and a person so taxed will be exempt from profession tax

SECTION 59—PROVISO

Provided that (a) no tax imposed as afore said, other than a special sanitary cess or a water-rate shall without the express consent of Government be leviable in respect of any building or part of any building or of any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit or in respect of any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes, set apart for the occupation of Highness the Maharaja or the varaja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or the Yuvaraja and no toll shall be leviable for the of troops or the conveyance vernment stores or of any other ernment property or property of His Highness the Maharaja or the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody	(2) [for proviso (a) to Section 59 the following shall be substituted] — (a) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall without the express consent of Government be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit (ii) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit	(2) [In the proviso to the same section the following clauses shall be substituted for clause (a) the present clauses (aa) (b) and (c) being re numbered as (d) (e) and (f) respectively] — (a) no tax imposed as aforesaid other than a special Sanitary cess or water rate shall without the express consent of Government, be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit (ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit	Amendment of proviso (a) to section 59	No change Calls for no remarks

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
	(*iii*) any building or part of a building [*ordinarily*] used as a place of public worship or used for charitable [but **not residential purposes**]	(*iii*) any building or part of a building used as a place of public worship or used for [a] charitable [purpose]	The word ordinarily is omitted to avoid different interpretations and disputes as to the degree of use for public worship The words but not residential are omitted as otherwise the necessary residence of the servants and establishment of a place of worship or charitable institution would render the institution liable to taxes Rather than exclude such residential purposes from the operation of the clause it is considered desirable to omit the words altogether and leave the question whether such building is being used for profit to be determined in each case according to the facts of the case It has also to be stated that the words 'but not residential do not occur in the corresponding sections of similar enactments in British India
	[(*iv*) any building or part of a building **set apart for the occupation** of His Highness the Maharaja or His Highness the Yuvaraja]	[(*b*) (*i*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building **used or intended for the occupation** of His Highness the Maharaja or His Highness the Yuvaraja or **for the location of the establishments** of His Highness the Maharaja or His Highness the Yuvaraja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja]	Clauses (*b*) and (*c*) confirm the existing practice and are in accordance with the Government Orders passed in this connection The clauses in the Bill do not correctly represent the practice and are therefore modified
	[(*v*) any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja]	[(*ii*) in respect of all other buildings **owned by the Palace** and used as **rent free residences** no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excise duty at rate if any which shall be recoverable from the occupants thereof]	

[and no shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody]	[(c) no toll shall be leviable for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers on duty or the conveyance of any person or property in their custody]		
14 After Section 81 the following Section shall be inserted — 81A (1) * * (2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the [President]	14 After Section 81 the following section sall be inserted — 81A (1) (2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to sub sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the [Municipal Council]	New Sect on 81A Farming of Tolls.	The power of sale should be exercised under the orders of the Municipal Council and not the President and the Council may if it chooses delegate the power to the President This is the law in Bombay Hence the change
16 After Section 84 the following section shall be inserted — 84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall [be modified accordingly] Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued	16 After Section 84 the following section shall be inserted — 84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall [apply *mutatis mutandis*] Such Officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued	Addition of Section 84 A. Distraint and sale outside the Municipality	The correct legal expression is *mutatis mutandis* which is therefore used instead of "modified accordingly

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil	17 After Section 91 the following new Section 91A shall be inserted —	17 After Section 91 the following new Section 91A shall be inserted —	
	91A (1) It shall be [the duty of every] Municipal Council to prescribe a line on each side of every] public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof	91A (1) It shall [lawful for any City Municipal Council and such other] Municipal Council [as may be notified by Government in this behalf] to prescribe a line on [either side or both sides of any] public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof	Addition of a New Section 91A The regular line of Public street The changes made are firstly that it should not be an *obligatory* duty of every Municipal Council to prescribe a line for *every* public street. The duty should be discretionary i e left to the option of the Council and in respect of any such street as it may deem fit Further the provision should apply only to City Municipalities and in exceptional cases to such other Municipalities as may be notified by Government The clause is recast accordingly
	Provided that—	Provided that—	
	(a) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council shall give public notice of [the proposal] and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed [and]	(a) at least one month previous to prescribing such line or such fresh line, as the case may be the Municipal Council shall [notify the same in the Mysore Gazette and shall] give public notice of [it] and they shall [also] put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed	To give greater publicity the notice should be published in the *Mysore Gazette* and it given as much publicity as sible apart from the special notices to be put up in the street
	(b) . . .	(b) . . . [and]	
		[(c) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned [and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.]	It is necessary to prescribe the preparation of a map of the area to be open to public inspection in order that persons interested may have a chance of representing their grievances if any
	(2) . . .	(2) . . .	
	(3) . . .	(3) . . .	
		[(4) If any person suffers loss by the Municipal Council not granting permission under sub-section (3) of this Section, he shall be entitled to claim from the Municipal Council compensation which should in case of dispute be ascertained and determined in the manner provided in Section 160]	There may be cases where after a line is prescribed under Section 91A the municipal Council may not choose to acquire the property falling within the line and the existing street and may also decline or delay the issue of a to the party ed to or reconstruct

[(4)] Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to [one thousand] rupees and the Municipal Council may—

(a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary

[18 After Section 93 the following new Section 93A shall be inserted —

'93A No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any bye laws made under this Regulation relating to the use of building sites or the erection or use of buildings

Provided that the Government may in respot of all Municipalities or with the consent of the Municipal Council in respect of any particular Municipality or portion thereof exempt all buildings or any class of buildings from all or any of the provisions of this Chapter or the bye-laws made thereunder.

[(5)] Whoever [illegible] the provisions of Sub-section (3) shall be punished with fine which may extend to [two hundred] rupees and the Municipal Council may—

(a) direct that the building be stopped and (b) by written notice require such building or portion thereof to be altered or demolished as they may deem necessary

Omitted

[illegible] such a [illegible] in cases where the damage is likely to be heavy where for instance the main portion of a building falls within the line the party's right for compensation should be specifically defined Hence the sub-clause

One thousand rupees is a disproportionate amount which so far as Mysore goes is not likely to be awarded as fine Hence it is reduced to Rs. 200

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses in the Bill as	Clauses as amended by the Select Committee	Reasons for the change
Nil	[19 After Section 93A, the following new Section 93B shall be inserted — "93B (1) The Municipal Council may give public notice of its intention to declare— (a) that in any streets or portions of streets specified in the notice (i) continuous building will be allowed (ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural features be such as the Municipal Council may consider suitable to the locality or (b) that in any locality specified in the notice the construction of only detached buildings will be allowed or (c) that in any street portions of streets or localities specified in the notice the construction of shops, warehouses factories, huts, or buildings of a specified architectural character or building destined for particular uses will not be allowed without the special permission of the Municipal Council (2) No objections to any such declaration shall be received after a period of three months from the publication of such notice (3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration and before doing so may modify it, but not so as to extend its effect (4) The President shall publish any declaration so	Omitted	Sections 93A and 93B appear to have been drafted without considering duly that Section 96 provides for practically all these matters. Any additions necessary will have to be made in that Section Hence clauses 18 and 19 are omitted and Section 96 is suitably amended (*Vide poste* proposed amendment of Section 96.)

such declaration]

21 After Section 95 the follow new section shall be added —

95A The Municipal Council may require that any building u or intended to be used as a [grain shop or grain store shall be] erect ed so as to render such building rat proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this se tion shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the prev approval of Government

21 After Section 95 the following new section shall be added —

Addition of a new Section 95 A. Rat proof building for warehouses for storing grain.

95A The Municipal Council may require that any build ing used or intended to be used as a [warehouse for storage of grain shall be protected or] erected so as to render such build ing rat proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this Section shall be enforce able only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government

extend

The section as worded is too wide and would cover petty retail shops as also every house where grain is kept even in small quan tities for purposes of being used daily for food The op ration of the section should be limited to warehouses where large quantities of grain are store l and where rats may die of infection unobserved The operation of the section should extend not only to warehouses to be erected hereaf er but also to existing ones as is apparent from the word used and hence the corresponding word protected which seems to have been left out by mistake is also added Ther is no real protection against plague houses are a so pro

96 (2) The Municipal Council may such orders not inconsistent Regulation as they think with reference to the work in such notice and may give permission to erect or or add to the building accord to the plan and information or may impose in writing conditions as to level drainage tion or ventilation or with ce to the location of the in relation to any street existing or projected or where the Municipal Council have been speci ally empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper

For Sub-section (2) of section 96 the following shall be inserted —

Amendment of Section 96 Power of Municipal Council to pass orders.

(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the location of the building in relation to any existing building or street, existing or projected or prohibiting its use as a factory or where the Municipal Council have been specially empowered by Government in this behalf such condi tions as to design or materials or to the dimensions or the cubical contents of the rooms as they think proper]

Sub section (2) of section 96 is added to to cover cases con teu plated by Sections 93 A and 93 B which have already been omit ted The effect is that while building on sites could not be absolutely prohibited which is too drastic the provisions in Sections 93 A and 93 B *re* building bein in a line or detached and their architectural character are pro vided for and constructing a factory deleterious to health in the middle of dwelling houses can be prohibited

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

ision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee		Reasons for the change
	22 After Section 137 the following new section shall be inserted — 137A Within such limits as [the] Municipal Council may direct no person shall keep more than [ten] pigs or more than [twenty] goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	22 After Section 137 the following new section shall be inserted — 137 A Within such limits as [a City] Municipal Council may direct no person shall keep more than [five] pigs or more than [ten] goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	Addition of a new section 137A Licensing of goats and pigs.	Licensing of goats and pigs may be limited to the City Municipalities and the number which would necessitate a license reduced to 10 and 5 respectively
151 If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used * * * (i) as a brick pottery or lime kiln (j) for soap making (k) for oil boiling * *	23 [(1) For clause (k) of Section 151 the following shall be substituted — (k) for boiling pressing cleansing preparing or manufacturing by any process whatever oil (edible or non edible)] [(2) In the same section the following shall be added after clause (i) — (ii) for parching grain]	Omitted Omitted		The case which led to this amendment (*vide* Mysore Chief Court Report Vol XXIX Pages 294 299) referred to preparing oil without a license under section 48 and not to carrying on the trade as a nuisance under this Section The amendment in the bill goes further than was intended by the prosecution in the above case and makes the preparation etc of oil a nuisance which is not always so The question regarding parching grain is also identical (*vide* discussions at the meeting of the Legislative Council on 16th April 1923) So in order to provide for what is actually intended Section 48 is added so as to provide for licenses
	[(3) (4)] * * *	[(1) (2)]		

	After 151 the following new section shall be inserted — 151A (1) No person shall [newly] establish in any premises any factory, workshop or workplace which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council	24 After Section 151 the following new section shall be inserted — 151 A [After the passing of this Regulation in a City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government] no person shall establish in any premises any factory workshop or workplace in which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council	Addition of a new Section 151A Factories in crowded localities — Newly is not a legal term and there may be difficulty in interpreting it It is therefore clearly stated that the section applies to all factories etc which may be started after the passing of this Regulation The operation of the section is restricted to City Municipalities and to such select Municipalities as the Government may notify
	(2) * *	(2) * * *	
	(3) * *	(3) * * *	
Nil	25 After Section 151 A the following new section shall be inserted — 151 B (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose or dismissing work employed except under and in accordance with the conditions of a license from the Municipal Council	25 After Section 151 A the following new section shall be inserted — 151 B (1) [In any City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made appliable by the Government] no person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means, or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council	Addition of a new Section 151B Use of siren or whistle for summoning or dismissing workmen — The object is to restrict the operation of this section to City Municipalities and to such other Municipalities as Government may notify
	(2) * *	(2) * * *	
	(3) * *	(3) * * *	
Nil	27 After Section 164 of the Regulation the following new section shall be added 164 A No distraint shall be made suit shall be instituted] and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date which such distraint might have ma e suit might have been instituted] or prosecution might first have been commenced as the case may b in respect of such sum	27 After Section 164 of the Regulation the following new section shall be added — 164 A No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced as the case may be in respect of such sum	Addition of new Section 164A Limitation for distraint, etc — Reference to institution of suits is omitted in this section as under section 87 of the Regulation taxes are first charge on the property in which case the limitation is 12 years

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision existing in the Regulation	Clauses in the Bill	Clauses as amended by the Select Committee		Reasons for the change
Nil	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council [either of his own motion or on the application of an aggrieved party] and to submit the same with his opinion to Government for such orders as they may deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is [wrong or] contrary to law	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is contrary to law	Addition of a new Section 173A Deputy Commissioner's power of inspection of Municipal Councils.	The words either of his own motion or on the application of an aggrieved party are omitted The omission does not alter the sense Also the words wrong or are omitted so that the Deputy Commissioner may not interfere on questions of fact
SCHEDULE II (SEE SECTION 59 CLAUSE iii) *Maximum Rates of Tolls payable on entering the Municipal limits* Rs a p On every four wheeled vehicle with springs 0 8 0 On every jatka hackery or cart laden 0 4 0 On every jatka hackery or cart not laden 0 2 0 On every other vehicle with springs and every palanquin bicycle or tricycle 0 4 0	30 [(1)] In Schedule II above the words on every four wheeled vehicle with springs—0 8 0 the following words shall be inserted namely — Rs a p On every motor car 1 0 0 On every motor cycle [or bicycle] 0 8 0	30 In Schedule II above the words [and figures] on every four wheeled vehicle with springs Re 0 8 0 the following words [and figures] shall be inserted namely — Rs a p [On every motor bus] [2 0 0] On every motor car 1 0 0 On every motor cycle 0 8 0		This is to provide for the case of a motor bus The words or bicycle are redundant and are struck out

Nil	[(2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation *viz* — *Explanation 3*—No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal District Fund or State toll gate provided that when toll has been paid in respect of any vehicle or animal not ladden or unridden the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden shall be collected if such vehicle or animal again passes through a Municipal toll gate laden or ridden within such period *Explanation 4*—Any Municipal Council may with the previous sanction of Government declare that payment of toll on vehicles or animals at any toll gate whether within or without Mysore shall clear such vehicles or animals at any of their toll gates]	Omitted

This matter may continue to be regulated by rules as at present

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*concld*

SCHEDULE II A —(AS IN THE BILL)

(SEE SECTION 59 CLAUSE XI)

Shops		Sort				
		1st	2nd	3rd	4th	5th
		Rs	Rs	Rs	Rs	Rs
Shops (Mundi) where all sorts of articles are sold per shop	In City Municipalities	50	40	30	20	
	In other Municipalities	30	25	20	10	
Shops in which piece goods are sold per shop	In City Municipalities	20	15	12	8	
	In other Municipalities	15	12	10	6	
Other shops per shop	In City Municipalities	15	12	9	6	4
	In other Municipalities	12	10	7	4	2

SCHEDULE II (A)—(AS AMENDED)

(SEE SECTION 59 CLAUSE XI)

Items		Sort					
		1st	2nd	3rd	4th	5th	6th
		Rs	Rs	Rs	Rs	Rs	Rs
1 Shops (for each shop per year)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2
2 Other places where business or profession is carried on for purposes of profit (for each place per year)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2

DISSENTING NOTE BY MESSRS C NARASIMHAIYYA AND B K GARUDA CHAR TO THE REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION

Section 12

For substituting the words was assessed to for the words has been paying in clause (c) of Section 12 no valid reason has been assigned Even the draft Bill that was placed before council does not disclose any reason In the statements of objects and reasons attached to the Bill and notes on clauses no suggestion has been thrown out for a change in this particular section It appears to have been simply inserted at the suggestion of some municipal council or councillors Even the Local Self Government Conference has not made a recommendation of this kind

The *Election Roll* contemplated in Section 13 is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality If in the opinion of the framers of the Bill Election Roll and Khata mean one and the same thing then there is no necessity to prepare a separate Roll at all The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues That was the very reason why in an Election Roll only the names of such persons who have paid the taxes were included A citizen will not by merely living or owning property in a city acquire a right to vote unless a universal franchise is conceded and unless he actually pays before the preparation of the Roll he has to lose his right It may lead a citizen to be indifferent negligent or even to refuse to vote It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon The proposed change is not desirable Such a practice does not obtain either in the Bombay or in the Mad as Presidencies and a proposal to this effect was negatived in the Madras Legislative Council We therefore record our dissent on the amendment

Section 46

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye laws suited to the condition of each locality The rules so framed should not be inconsistent with the Regulation and they have to be approved by the Government But the proposed alteration deprives the Council of all its powers of framing Rules and Bye laws as regards clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) and vests the power in the Government signed for this drastic change No instances have been brought to light in which Municipalities have used this power to their detriment or to the annoyance of the Government Very strong reasons must be urged to take away such powers enjoyed by the Municipalities for years together The objects and reasons and notes to clauses do not disclose any reason The only reason assigned during the discussion in the Select Committee is that power is reserved to Government because of its intention to transfer Municipal Officers and servants from one Municipality to another There is no provision in the proposed Bill to give effect to such transfers Even in the proposed amendment of Section 46 there is no provision for transfers This is something like putting the cart before the horse The proposed amendment can be thought of only when there is a provision for mutual transfers of officers and servants from one Municipality to another The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment We therefore record our dissent on the proposed amendment to Section 46

Section 59 Clause XI

The addition of the words and other places after shop and or profession after business are not necessary The idea of the framers of the Bill is clearly explained in notes on clause 12 It clearly shows that the object is to levy shop tax in lieu of profession tax in respect of *business carried on in the shop* The framers of the Bill did not mean that the levy should extend to any profession carried on in one s own house or in any other place except a shop If the proposed change is accepted it means that a weaver a potter a goldsmith a washerman etc who uses a portion of his living quarters for earning daily bread will have to be taxed It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them Our benign Government are making strenuous efforts to encourage and help Home Industries We therefore oppose the addition of the said words to the Draft Bill

Section 95 (a)

To amend the Section 95 (*a*) so as to affect the present grain shop owners is undesirable here are many petty traders and their capital may not exceed more than a couple of

hundreds of rupees It will be an uphill task to these petty traders to improve their premises or warehouses in accordance with the clauses of the new Bill Even a reasonable time within which the existing warehouses could be improved is not thought of and no provision made giving such facilities to the existing warehouses Whatever may be the restriction that may be placed upon the warehouses to be opened after the passing of this Regulation the exist ng warehouses should not be forced to come under the New Regulation for punishment Therefore the word used in the proposed clause should be deleted

The Municipal Regulation as it now exists and the Bill now introduced for amend ment are complicated There is only one Regulation for the City Town and other Minor Municipalities One has to wade through to find out the sections relating to the City and Town Municipalities Such a difficulty was experienced by us when reading the Bill in the Select Committee It is essential that there should be separate Regulations for differ ent kinds of Municipalities We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City Town and Minor Municipalities

C. NARASIMHAIYA
B K GARUDACHAR

(6) Every president and every vice president shall be removable from his office as such president or vice president by the Government for misconduct or neglect of or incapacity to perform his duty and the term of office of every president and of every vice president shall ~~cease on~~ be for a year unless the term of the Council expires sooner

Provided that in the case of City Municipalities his term of office shall continue three years unless his term of office as Councillor expires sooner

(7) In the event of the death resignation or removal from office of a president or vice president other than an ex officio president or vice president or of his becoming incapable of acting in such office or having ceased to be a councillor under sub section (2) of section 15 previous to the expiry of his term of office as president or vice-president the vacancy shall be filled up by the appointment or election, as the case may be, of some other councillor thereto

(8) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government

Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government officer whose services are lent for employment as Vice President or President

(4) Except in the case of an ex officio president or vice president, every president or vice president who for a period exceeding three months shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice president shall cease to be president or vice president unless leave so to absent himself has been granted— Conseq of been president with ut

(a) by the Government in the case of a president or vice president appointed under clause (a) of sub section (2)

(b) by the Municipal Council in the case of an elected president or vice president

(5) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a president or vice president under that sub section a councillor shall be appointed or elected as the case may be to perform all the duties and exercise all the powers of a president or vice president during the period for which such leave is granted Limit to f lea pe d ng sence f dent or presid

Presidents and Vice Presidents

Every Municipal Council to have president and if Government so directs one or more than one vice-president

23 (1) For every Municipal Council there shall be a president and if and whenever Government so directs, one or more than one vice president Where there are more vice presidents than one the Government may direct which of them is the senior for the purpose of this Regulation

Presidents and vice presidents to be elected

(2) The president and the vice president or vice presidents shall be selected from among the councillors and for this purpose may be either—

(*a*) appointed by the Government by name ; or

(*b*) appointed by the Government ex officio, that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or ;

(*c*) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf

Effect of not holding ex officio president or vice-president

(3) When an office has been notified under cl. (*b*) of sub section (2) the person from time to time executing the functions of that office shall be and be continue to be president or vice president as the case may be, unless and until such notification is altered or rescinded by the Government

(7 a) (3) During the period intervening the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at District Headquarters or the Amildar in case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder take the place of the President until such elected or nominated President enters on his duties

12 Subject to the provisions of section 13 and to the disqualifications mentioned in section 15 and sub sections (3) and (6) of section 22 as regards candidates, and in section 21 as regards voters,

Proviso as to admission of certain qualification.

(a) every Graduate of any University and

(b) every Advocate of the Chief Court

who for a period of not less than six months next preceding the date on which by the said rules a list of voters is required to be prepared or revised in a municipality for election purposes has been resident in that municipality and

(c) every person who for the like period has been paying taxes other than octroi or toll imposed in that municipality of an amount not less than such minimum as shall for the time being be fixed for that municipality by the Government

shall be qualified to be a candidate and to be entered in the list of voters for the said municipality

Provision in the existing Regulation

m 10,
to
section (1)

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pro- Provided that the number of elected councillors shall be not less than two-thirds, one-half and one third of the whole number, inclusive of the President, in City , Town and Minor Municipal Councils, respectively and that not more than one-half of the nominated Councillors shall be salaried servants of Government

I — Statement showing amendments proposed to be made in the Bill referred to the Select Committee

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proviso to sub-section (1) of Section 10 the
be substituted —
ed that the number of elected Councillors shall
two thirds and one half of the whole number
President in the case of City and other
respectively and that not more than one
ted Councillors shall be alaried servant of

(1) Every Municipal Council may from time to time with the previous sanction of the Government, Power to make by laws

make alter or rescind by laws but not so as to render them inconsistent with this Regulation—

for markets and slaughter-houses, etc.

(a) for the regulation and inspection of markets and slaughter houses and all places used by or for animals which are for sale or hire or the produce of which is sold, and for the proper and cleanly conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the Municipal Council

for licensing regulating and inspecting certain businesses

(b) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted refused suspended or withdrawn for the use of any place not belonging to the Municipal Council —

(i) as a slaughter house

(ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables

(iii) for any of the purposes mentioned in section 151

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid so as to secure cleanliness therein or to minimise any injurious offensive or dangerous effect arising or likely to arise therefrom

for inspecting hotels etc

(c) providing for the inspection of hotels bakeries sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (b) and for securing the cleanliness of such places and the wholesomeness of the articles prepared kept or sold therein

x x x x

x x x x

regulating public bath etc

(m) regulating the use of public bathing and washing places within municipal limits

for conservancy

(n) regulating sanitation and conservancy

for the disposal of carcasses

(o) regulating the disposal of carcasses of dead animals

regulating structure and build

(p) regulating the conditions on which permission may be given for the temporary occupation of or the erection of temporary structures on public streets or for projections over public streets and regulating the structure and dimensions of plinths walls foundations roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires and for purposes of health

~~(q) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets~~

x x x x

x x x x

Part II

Recommendations of the

Provision ~~of~~ in the existing Regulation

amended as recommended

Section 3 - Sub Section (6)

(6) [redacted] shall include any [redacted] other enclosure, [redacted] used as a [redacted] and shall include also walls verandas [redacted] plinths, door [redacted], and the like

Section 26 - Sub Section (3)

(3) Seven clear days notice of an ordinary general meeting, and three clear days notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the councillors, and posted up at the municipal office or some other public building in the municipality The said notice shall include any motion or proposition which a councillor shall have given written notice not less than ten days previous to the meeting of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting

Notice to be given of meetings.

Do - Sub-Section (12)

(12) No resolution of a Municipal Council shall be modified or cancelled within three months after the passing thereof except by a resolution supported by not less than one-half of the whole number of councillors, and passed at a general meeting thereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

~~Part II~~

Committee ~~or commission~~ with the ~~[illegible]~~ ~~by the [illegible]~~

Reasons for the change proposed

rations proposed

For sub section(6) of Section 3, the following shall be substituted -

) "building" shall include a house, out-house, stable latrine hut shed, well or other structure, whether of masonry, bricks, wood metal or any other material whatsoever and whether used as a human dwelling ~~house~~ walls or otherwise and shall include also verandars fixed platforms, plinths, door steps, and the like

Not decided yet

In sub section (3) of section 26, the ~~[illegible]~~ "except in cases of urgency shall be inserted between the words "and" and "three"

This is to provide for a meeting in emergent cases shorter notice than 3 days the prescribed minimum cases where

~~and~~ the is such as to want for three days of ~~[illegible]~~ will be decided on own respo The change adopted from the 1920 Madras Act (Since amde

For sub-section (12) of section 26, the following shall be substituted -

"A resolution of a Municipal Council shall be modified or cancelled ~~except~~ within 3 months after the passing thereof except by a resolution passed by not less than one half of the whole number of Councillors at ~~a general meeting~~ ~~general~~ meeting whereof notice shall have been given fulfilling the requirements of sub section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposal for modification or cancellation of such resolution

The existing provision scope for different inter It is proposed to recast it make it clear that a motion to modify or cancel a resolution, should be not less than half of the number of Councillors — number ~~for~~ of C is as proposed to be vide below No — 8

Amendments not included in the Bill further to amend the ~~amend the Municipal Regulation~~

Provision in the existing Regulation	Alterations posed
[illegible] by laws] 48 (1) Every municipal council may from time to time with the previous sanction of the Governor make, alter or rescind by-laws, but not so as to render them inconsistent with this Regulation -	dre
[illegible]] (a) for the regulation and inspection of markets and slaughter houses and all places used by or for animals which are for sale or hire, or the provance of which is sold, and for the proper and cleanly management of business therein, and for fixing the rent and other charges to be levied for the use of any of them [illegible]	In clause (of the Sub-section (1) f Sect n 48, the words " l publ places used f the sa of articles" shall be i serted after the word "markets"
Section 142 -- ~~(2)~~ Sub Section (2) (1) In every Municipality to which the Government may by Notification have declared this sub-section to apply whether as regards food or drink of all kinds or of any specific kind * * * *	1 For the words " in every Municipality" at t beginning of Sub-section (2) of Section 142 the following words shall be substiuted "In a City Municipality, and in any other Municipa
	(2) After para 1 section (2) of the same section add the f lowing

Page 4

Re [redacted] in [illegible]

trade markets & slaughter houses,
places used for animals for sale
or where the municipality has no
control over articles sold or ~~[illegible]~~,
though the sale may take place on
municipal property.
It is therefore proposed to give them power
to make bye-laws regarding the conduct
of sale of articles in places which
belong to the municipal corporation but
which are not markets &c

~~The~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]

If it all appear to a Municipal Council e
nce of the Executive Engineer Educa l pec
l Surgeon of or in the distric esirable for the
rpose afo at any future ng of such Municipal
ouncil it shall be et o such Municipal Council
by letter addressed to er not less than fifteen days
previous to the d d meeting equire his presence
thereat c said officer unless pre ed by sickness
or r reasonable c use shall be bound to d such
eeting

may

Provided that such officer on receipt of such lette

x x x

Section 27 – Sub section (2) – Proviso (a)

4 Provided that no managing committee shall exercise

(a) any powers in connection with any school or educational institution in respect of which a committee is appointed under section 28 or

(b) any powers with which any committee appointed under section 29 is vested

Section 36 – Sub section (2)

5 (2) Every order passed by a managing committee or by a committee appointed under section 28 or 29, other than orders under sub section (3) of section 65, shall be subject to such revision and open to such appeal as may be required or allowed in respect thereof by any rules of the Municipal Council for the time being in force under section 46

Orders subject to revision and appeal

Section 37

37 Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal Council may be delegated in accordance with rules to be made by the Municipal Council in this behalf to the president or to the vice president or to the chairman of the managing school or other committee or to one or more stipendiary or honorary officers but without prejudice to any powers that may have been conferred on a Chief Officer of a City Municipal Council under Chapter XIII or on any committee by or under section 27, 28 or 29 and each person who exercises any power or performs any duty or function so delegated may be paid all expenses necessarily incurred by him therein

(Transferred to Part I)

of sub-section 14 of section 26
itary Officer" shall be sub
the w s "Civil Surgeon"

The use of the words "civil surgeon" is incorrect for reasons given above in Part I hence the proposed change

(b) of proviso to sub-section (2) 7, the figures words "29 or 29 A" for the figure "29"

Sec 29A which also relates to a Committee is omitted in the existing provision this omission is proposed to be rectified

-on, (2) of section 36, the fol
e substituted -
er passed by a managing committ
ommittee appointed under section
9 A other than orders under sub-
(3) of Section 65, shall be subject
ion by, and open to appeal to, the
Council in accordance with rules
be framed by the Municipal Council
shalf"

For the addition of 29A, vide above

The other change relating to the provision made for the framing of rules is due to the fact, that though the existing sub-section refers to rules regarding revision + appeal to be framed under Sec 46 the latter section makes no mention of revision + appeals Either provision has to be made in Sec 46 or in this section itself, and the latter course is proposed on the analogy of Sec 37 which embodies power to make rules

37, the words "rules that may
be substituted for the words
made"

More verbal change calling for no remarks

section the figures and words "29 or 29 A"
tituted for the words and figures "or 29"

Vide reasons given above in Secs 27(2) and 36(2)

this Regulation coming into force
elected Presidents and Vice-Presidents
office will continue as such during
of office as Councillors

The term of office of the elected Presidents and Vice Presidents of all municipal Councils except the City Municipal Councils is one year under the existing law The Regulation amended provides that the term is coextensive with the term of office as Councillors, but does not touch the case of those who were elected for a year this amend comes into the privilege

shall be inserte as a

tional para -

"It will be open to

Municipal Council subjec

the approval of Gove

to set apart any stall

specified locality for

sale of ghee and an such

or specified locality, no

shall be sold th i

adulterated with an

substance"

Section 144 -

~~Clause (d) of~~ sub-section (2), clause (d) ~~of Section 144~~

(d) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorised by the Mun cipal Council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged n a room or set of apartments occupied y more than one family, and who is suffering from a dangerous disease, to any hospital r place at which persons suffering from he said disease are received for medical treatment.

After th the following inserted -

"the Health Officer Municipality or

Section 153

Bromley 153 In any municipality to which, on the application of the municipal council the Government may by notification have declared this section to apply, x x x

For the words in Municipality" in ect the following sha stituted -

"in any Municipality other Mun ipali

Adulterated ghee is not injurious to health this sale, so long as the so-called pure ghee is no offence

The object is to provide for a place where pure ghee can be obtained

In practice it is convenient to authorise the Health Officer of the Municipality to sign the certificate Hence the proposed

The object is to dispense with the ~~of the [illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[

After the definition of 'Councillor' in sec 3 (cl 12) add the following definition:—

2(a) "The whole number" shall mean, when used with reference to the Councillors of a local Council, the total authorised strength of the Council

---

The words 'whole number' are used in a number of sections, and there is sometimes a doubt as to whether the words mean, the number of Councillors present at a meeting or the total authorised strength of the Council. This definition is intended to clear this doubt

N I L

Schedule II A

(See Section 59, clause xi)

Shops		Sort				
		1st	2nd	3rd	4th	5th
		Rs	Rs	Rs	Rs	Rs
Shops (Mundi) where all sorts of articles are sold [illegible] shop	In Cities Municipalities	50	40	30	20	
	In other Municipalities	3[illegible]	25	20	10	
Shops in which [illegible] goods are sold [illegible] shop	In Cities Municipalities	20	15	12	8	
	In other Municipalities	15	12	10	6	
Other shops per [illegible]	In Cities Municipalities	15	12	9	6	4
	In other Municipalities	12	10	7	4	2

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PART III.

Legislative Measures and Rules thereunder

NOTIFICATION

No 3318 *dated* 8*th* *December* 1925

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council the following Report of the Select Committee on the Bill further to amend the Mysore Municipal Regulation VII of 1906 is published for general information with the portions of the Bill amended by them

By Order
R RANGA RAO
Secretary Legislative Council

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION VI OF 1906

We the Members of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation met and considered the Bill at eight sittings Mr B Narasinga Rao expressed his unwillingness to serve on the Committee and did not attend the meetings The clauses in the Bill which in our opinion require changes the amendments proposed by us and the reasons therefor are noted below We recommend that the Bill as amended by us may be passed by the Council

Signed B NAGAPPA
C NARASIMHAIYYA.*
B K GARUDACHAR.*
K SHANKARANARAYANA RAO
J RUDRAPPA
B V RAMASWAMY CHETTY
C SRIKANTESWARA AYYAR †
MOHAMED ABBAS KHAN
P G D SOUZA
K CHANDY (*Chairman*)

(*Signed subject to the dissenting note appended
†Signed subject to dissenting to the principle of voting without actual payment of taxes).

Municipal Regulation

Provision in the existing Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
SECTION 10 PROVISO TO SUB SECTION (1) Provided that the number of elected Councillors shall be not less than two thirds one half and one third of the whole number inclusive of the President in City Town and Minor Municipal Councils respectively and that not more than one half of the nominated councillors shall be salaried servants of Government	1 For the proviso to sub section (1) of Section 10 the following shall be substituted — Provided that the number of elected Councillors shall not be less than two thirds and one half of the whole number inclusive of the President in the case of City and other Municipal Councils respectively and that not more than one half of the nominated councillors shall be salaried servants of Government	1 For the proviso to sub section (1) of Section 10 the following hall be substituted — In specified proportion (1a) The number of elected councillors shall not be less than two thirds in the case of City Municipal Councils and not less than one half in the case of other Municipal Councils of the whole number of Councillors and of the number of nominated councillors the salaried servants of the Government if any shall not exceed one half Provided that when a President appointed by Government by name under clauses (a) and (b) of Sub section (2) of Section 23 or when a President elected under clause (d) of the same Sub section is not a Councillor the two thirds and one-half of the whole number mentioned in this Section shall be exclusive of the President so appointed or elected and the President so appointed or elected shall be an additional Councillor"	Recast to specify clearly the elected element in the different classes of Municipal Councils Recast so as to avoid a possible interpretation that one or more salaried servants of Government should necessarily be nominated to a Municipal Council There is no such nomination in the City Municipal Council Bangalore This is firstly to provide for the appointment by Government of a President who is not already a Councillor—elected or nominated secondly to declare such a President as well as one elected by the general body of voters if not already a Councillor to be an additional Councillor and thirdly to exclude such Presidents when calculating the elected element in order that neither the number that may be nominated to a Council is reduced by one nor the number elected for separate Mohallas is reduced by one Unless the President in these two cases is an additional Councillor one or the other of these alternatives neither of which is desirable will follow

Digitized by Bangalore City Corporation

23 (1) For every Municipal Council there shall be a President and if and whenever Government so directs one or more than one Vice President Where there are more Vice Presidents than one the Government may direct which of them is the senior for the purpose of this Regulation (2) The President and the Vice-President or Vice Presidents shall be selectted from among the councillors and for this purpose may be either— (a) appointed by the Government by name or (b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or	3 After sub section (2) of Section 13 the following new sub section shall be inserted — (3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person duly authorised in this behalf to represent such association shall be deemed to be qualified to be elected a Councillor 4 For Section 23 of the Regulation the following shall be substituted — (1) Every Municipal Council shall be presided over by a President who shall be either — (a) appointed by the Government by name or (b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or (c) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf or	3 After Sub section (2) of Section 13 the following new Sub section shall be inserted —	Amendment of Sec. 13
		(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor	Enrolment in Municipal Election Roll necessary for elected Councillor
		Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation shall be deemed to be qualified to be elected a Councillor	Representation of A at n
		4 For Section 23 of the Regulation the following shall be substituted — 23 (1) For every Municipal Council there shall be a President and if and whenever Government so directs one or more than one Vice President Where there are more Vice Presidents than one the Government may direct which of them is the senior for the purpose of this Regulation (2) The President may be— (a) appointed by the Government by name or (b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or (c) if the Government so directs elected by the councillors from among their number in accordance with such rule and condition as may be prescribed by Government in this behalf or	Amendment of Section 23 Every Municipal Council shall have a President and may have one or more Vice Presidents
			Troubles may arise as to whether a person was or was not duly authorised by an association Such authorisation should be in writing and for obvious reasons the person authorised should not be subject to any disqualifications under the Regulation The existing provision which prescribes that every Municipal Council shall have a President and may have one or more Vice Presidents (if so directed) is retained in preference to the amendment in the Bill which leaves it to be inferred Re-cast consequent on the above change

Municipal Regulation—*contd*

Provision in the existing Regulation	Class of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
(*c*) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf	(*d*) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rules and conditions as may be prescribed by the Government in this behalf	(*d*) if the Governmen so directs ele ted by persons entitled to vote under Section 13 subject to such rules and conditions as may be prescribed by the Government in this behalf	Sub clause (4)(*a*) in the Bill is omitted as it is already included in the amended Sub Section (1)
	(4) (*a*) There shall be a Vice President for such Municipal Councils as the Government may direct (*b*) The Vice President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf	(4) The Vice President shall be elected by the Coun cillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf	
	Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice President by name	Provided that the Government may for special reasons and in the case of such Municipal Councils as it may deem fit appoint the Vice President by name	
(7*a*) During the period interven ing the expiry of the term of a President on the reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commis sioner in the case of Muni cipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstand ing anything contained in this Regulation or in the rules or notifi cations issued thereunder take the place of the President until such elected or nominated President	(3) During the period interven ing the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Muni cipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstand ing anything contained in this Regulation or in the rules or noti fications issued thereunder take the place of the President until such elected or nominated President enters on his [illegible]	(5) During the period if any intervening between the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of City Municipalities and Municipalities at district headquarters or the Amildar in the case of other Municipalities shall notwith standing anything contained in this Regulation or in the rules or notifications issued thereunder perform the functions of the President until such elected or nominatated President enters on his duties	When a President is elected under sub clause (2)(*d*) above there may be no interregnum So the words if any between the words period and inter vening are inserted Munici palities at district headquarters include the two City Municipali ties Hence the change For the words take the place the words perform the functions are substituted as more appro-legal

(4) Except in the case of an *ex-officio* President or Vice President every President or Vice President who for a period exceeding three months shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (*a*) by the Government in the case of a President or Vice President appointed under clause (*a*) of sub section (2) (*b*) by the Municipal Council in the case of an elected President or Vice President	(5) Except in the case of a salaried servant of Government who is either an appointed or an *ex officio* President every President who for a period exceeding three months and every Vice President who for a period exceeding fifteen days shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (*a*) by the Government in the case of a President appointed under clause (*a*) of sub section (1) (*b*) by the Municipal Council in the case of an elected President or of a Vice President	(6) Except in the case of a salaried servant of Government who is either an appointed or *ex officio* President every President and every Vice President who for a period exceeding two months shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (*a*) by the Government in the case of a President or Vice President appointed by Government (*b*) by the Municipal Council in the case of an elected President or Vice President	Consequences of absence of President or Vice President without leave
(5) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a President or Vice President under that sub section a Councillor shall be appointed or elected as the case may be to perform all the duties and exercise all the powers of a President or Vice President during the period for which such leave is granted	(6) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a Vice President under that sub section a Councillor shall be elected subject to the condition to which the election of the Vice President so absenting himself was subject to perform all the duties and exercise all the powers of a Vice President during the period for which such leave is granted	(7) Leave under the last preceding sub section shall not be granted for a period exceeding six months Whenever leave is granted to a President and there is no Vice President for the Council or the office of the Vice President is vacant the vacancy shall be filled up by election by the Council from among the Councillors whether the President was elected under clause (*c*) or (*d*) of sub section (2) within such period and in such manner as may be prescribed by rules framed by Government in this behalf If the Council fail to elect the President or if the appointment of the President was under clause (*a*) of sub section (2) the Government may fill up the vacancy When leave is granted to a Vice President or when he is acting for the President the vacancy may be filled up by appointment or election as the case may be of some other Councillor thereto	Limit of period of leave and arrangements during leave
(6) Every President and every Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duty and the term of office of every President	(7) Every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties and the term of office of every President	(8) The term of office of every President and of every Vice President shall cease on the expiry of his term of office as Councillor and every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties after an opportunity is afforded for hearing him	Limit of Office of President and Vice President and their liability to removal

There is no apparent reason for the difference in the period of absence of the President and Vice President and the period of three months is too long A period of two months is prescribed

A Vice President can also be appointed by Government in certain cases There is no provision to grant leave in such a case This omission is rectified by the addition of the words or Vice President The words under clause (*a*) of sub section (1) refer only to the President and have therefore to be replaced by the words by Government as a Vice President is also included in the clause

Sub clause (6) in the Bill does not provide for all the cases that may arise on the grant of leave to a President or Vice President It is to be replaced by the proposed sub clause (7)

The sub clause is recast to bring about a more logical order provision is also made to afford the President or Vice President an opportunity of being heard before his removal

Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee		Reasons for the change
and every Vice President shall be for a year unless the term of the Council expires sooner Provided that in the case of City Municipalities his term of office shall continue for three years unless his term of office as Councillor expires sooner	and of every Vice President shall cease on the expiry of his term of office as Councillor			
(7) In the event of the death resignation or removal from office of a President or Vice President other than an *ex officio* President or Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	(8) In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	(9) In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto For all the vacancies which are not otherwise provided for the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice President during such vacancy	Vacancies in their office how to be filled up	This is to provide for casual vacancies
(8) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government Officer whose services are lent for employment as Vice President or President	(9) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government officer whose services are lent for employment as Vice President or President	(10) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government * It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government salary or allowances to any Government officer who is appointed as President or Vice President	Remuneration of President and Vice President of Municipal Council	[*Recast as this is not strictly a proviso to sub clause (9) The words whose services are lent for employment are replaced by the words who is appointed as being more comprehensive and applicable to actual facts The omission of the and substitution of to for of are made as salary is too restricted and not sufficiently definitive Allowances of the officer should be included in order to provide for cases in which only an allowance is debited to the Municipal Council]

(a) The Executive Engineer Educational Inspector Civil Surgeon in a district when charged with any of the duties of a Health Officer therein if not members of a Municipal Council within the district shall have the right of being present at any meeting of such Municipal Council and with the consent of the Municipal Council each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such Municipal Council

* *

(b) If it shall appear to a Municipal Council that the presence of the Executive Engineer Educational Inspector or Civil Surgeon of or in the district is desirable for the purpose aforesaid at any future meeting of such Municipal Council it shall be competent to such Municipal Council by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat and the said officer unless prevented by sickness or other reasonable cause shall be bound to attend such meeting

* *

Explanation The terms Executive Engineer Educational Inspector and Civil Surgeon in sub sections (13) and (14) of this section include the Principal Engineering Educational and Medical Officer respectively in or for the district

5 In the explanation at the end of Section 26 the words or Sanitary shall be inserted after the word Medical

5 (1) In clause (a) of sub section (1 of Section 26 for the words Civil Surgeon in a district when charged with any of the duties of a Health Officer therein the words the Chief Sanitary Officer in a district shall be substituted

Amendment of Section 26

(2) In clause (b) of the same sub section the words Chief Sanitary Officer shall be substituted for the words Civil Surgeon

(3) For the explanation at the end of Section 26 the following shall be substituted —

Explanation —The terms Executive Engineer and Educational Inspector in sub sections (13) and (14) of this section include the principal Engineering and Educational Officer respectively in or for the district

The use of the words Civil Surgeon etc in the sub section is inaccurate Rather than retain the words and explain them later it is better to replace them by the words Chief Sanitary Officer in a district so as to bring about the desired result and exclude the Chief Sanitary Inspectors of districts

Consequent on the change made above

Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
46 Every Municipal Council shall as soon as conveniently may be after the constitution thereof and subject to the provisions of Chapter XIII A make and may from time to time alter or rescind rules but not so as to render them inconsistent with this Regulation (*a*) regulating the conduct of their business and the delegation of any of their powers or duties and subject to the provisions of section 27 the appointment and constitution of committees (*b*) determining (*i*) the executive functions to be performed by the president vice president the chairman of any committee and subject to the provisions of Chapter XIII in City Municipal Councils by the Chief Officer and subject to the provisions of Chapter XIIIA by the Municipal Commissioner and the delegation of any of their powers or duties to such persons (*b*) (*ii*) the staff of officers and servants to be employed by the Municipal Council and the respective designations duties salaries fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under Section 37 (*c*) generally for the guidance of their officers and servants in all to the municipal	8 The following shall be substituted for previso (*a*) to Section 46 of the Regulation *viz* — (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in respect of all or any class of Municipal Councils or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government	8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* — Amendment of Section 46 (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in respect of any Municipal Council or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government	Power may be given to Government to frame rules in respect of any Council rather than any class of Municipal Councils There may be cases when a Municipal Council falling under a certain class may not be in a position to be subjected to such rules

[illegible] the amount of the security to be furnish[illegible] by any officer or servant from whom it may be deemed expedient to require security

(e) subject to the provisions of section 184 determining the mode and conditions of appointing punishing or dismissing any officer or servant and delegating to officers designated in the rules the power to appoint fine reduce suspend or dismiss any officer or servant

(f) regulating the grant of leave to officers or servants and fixing the remuneration to be paid to the persons if any appointed to act for them whilst on leave

(g) subject to the provisions of the Mysore Service Regulations and to the special orders of Government if any regulating the period of service of all officer and servants and determining the conditions under which such officers and servants or any of them shall receive pensions gratuities or compassionate allowances on retirement or on their becoming disabled through the execution of their duty and the amount of such pensions gratuities or compassionate allowances and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relations of any such officers or servants whose death has been caused through the execution of their duty

Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
(*h*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants (*i*) * * * Provided that—(*a*) No rule made or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government (*b*) * * *			
48 (1) Every Municipal Council may from time to time with the previous sanction of the Government make alter or rescind bye laws but not so as to render them inconsistent with this Regulation * * * (*b*) prescribing the conditions on or subject to which and the circumstances in which, licenses may be granted refused suspended or withdrawn for the use of any place not belonging to the Municipal Council — (*i*) as a slaughterhouse (*ii*) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables (*iii*) for any of the purposes mentioned in Section 151 and providing for the inspection and	9 (1) After sub clause (*ii*) of clause (*b*) under sub section (1) of Section 48 the following new sub clause shall be inserted — (*iii*) as a hotel bakery sweet meat shop or otherwise for the preparation manufacture or sale of articles intended for human food or drink the present sub clause (*iii*) being re numbered as sub clause (*iv*)	9 (1) After sub clause (*iii*) of clause (*b*) under sub section (1) of section 48 the following new sub clauses shall be inserted — (*ii*) as a dairy hotel restaurant eating house coffee house sweetmeat shop bakery boarding house or lodging house (other than a students hostel under public or recognised control) or for manufacturing ice or aerated waters (*v*) as a place for the preparation or manufacture of oil (*vi*) for parching grain or Bengal gram on a large scale	Amendment of Section 48 Sub clause (1) of clause 9 of the bill is too general and would even cover any private house where food is prepared for the consumption of the inmates The idea is to license only such places as are used for the preparation etc of food and drink for purposes of sale or where accommodation is given for payment The clause is accordingly revised *Vide* note against clause 23 of the bill

to secure therein or to [illegible] any injurious, offensive or [illegible] or likely to [illegible]

(c) providing for the inspection of hotels bakeries sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (b) and for securing the cleanliness of such places and the wholesomeness of the articles prepared kept or sold therein

(m) regulating the use of public bathing and washing places within municipal limits

(n) regulating sanitation and conservancy

(o) regulating the disposal of carcasses of dead animals

(p) regulating the conditions on which permission may be given for the temporary occupation of or the erection of temporary structures on public streets or for projections over public streets and regulating the structure and dimensions of plinths walls foundations roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires and for purposes of health,

* * *

(2) After sub clause (iv) of clause (b) under the same sub section the following new sub clause shall be added —

(v) or for any other purpose for which the taking out of a license is or may be prescribed

(3) *

(4) In sub section (1) of the same section the following shall be inserted between the clauses (o) and (p) —

(oo) regulating the conditions for the construction use and disposal of the houses intended for the poor

(5) * *

(6) At the end of the same clause after the semicolon the following words shall be added and prescribing a time limit for the erection of buildings

(vi) or for any other purpose for which the taking out of a license is or may be prescribed

(2) * * * *

(3) In sub section (1) of the same section the following shall be inserted after clause (n) —

(nn) regulating the conditions for the construction use and disposal of houses intended for the poor under clause (bb) of Section 56

(4) * * *

Omitted

Sub-clause (2) of the bill has been omitted and the same included under sub-clause (1)

For constructing houses for the poor

The proper place is after clause (n) and hence the change

The substantive provision of law which relates to this clause is clause (bb) of section 56 Hence it is mentioned here

It is not proposed to prescribe any time limit for buildings The provision was inserted when the idea was to resume sites when buildings were not constructed for an indefinite period Now that provision for resumption is not inserted in the present bill this time limit becomes illegal

Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
59 Any municipal Council— (*a*) after observing the preliminary procedure required by section 60 and (*b*) with the sanction of the Government and subject to such modifications or conditions as under section 61 the Government in according such sanction deems fit may impose for the purpose of this Regulation any one or more of the following taxes that is to say (i) a rate on buildings or lands or both situate within the municipality not exceeding in any case * * * (*v*) a tax on arts, professions trades and callings and on offices and appointments at rates not exceeding those specified in schedule III (*vi*) an educational cess not exceeding two annas in the rupee in the City Municipalities and one anna in the rupee in the other Municipalities on taxes levied under clauses (i) and (*x*) to be utilised solely for purposes of education (*vii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in sub-clause (i) of clause (*a*) of section 60	12 (1) After clause (*x*) of section 59 of the Regulation the following new clause (*xi*) shall be inserted the present clauses (xi) and (*xii*) being re numbered as (*xii*) and (*xiii*) respectively — (*xi*) a tax on shops where business is carried on for purposes of profit payable half yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or perons paying the tax shall not be called upon to pay tax on professions trades and callings under clause (*x*) in respect of the business carried on in the shop	12 (i) After clause (x) of section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re numbered as (xii) and (xiii) respectively — Amendment of Section 59 (*xi*) a tax on shops an dother places where a business or profession is carried on for purpose of profit payable half yearly by the peron or persons engaged in the business or profession at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or persons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (x) in respect of the business or profession carried on in the shop or place	A shop does not include a place where a profession is carried on Hence the change One of the main objects of levying shop tax instead of profession tax is to avoid secret and often unpleasant enquiry as to the income of a person who is carrying on a trade business or profession The alternative shop tax now proposed dispenses with such an enquiry The place where a trade or business or profession is carried on is proposed to be taxed As in the case of shops, there will be different scales of taxation for places of business or profession Also when a tax is levied under the section there is no minimum income fixed as for profession tax and a person so taxed will be exempt from profession tax

SECTION 59—PROVISO Provided that (a) no tax imposed as aforesaid other than a special sanitary cess or a water rate shall without the express consent of Government be leviable in respect of any building or part of any building or of any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit or in respect of any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes or set apart for the occupation of His Highness the Maharaja or the Yuvaraja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or the Yuvaraja and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody	(2) for proviso (a) to Section 59 the following shall be substituted — (a) no tax imposed as aforesaid other than a special sanitary cess or water rate shall without the express consent of Government be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purpose and not used or intended to be used for residential purposes or for purposes of profit (ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit	(2) In the proviso to the same section the following clauses shall be substituted for clause (a) the present clauses (b) and (c) being re numbered as (d) and (e) respectively — (a) no tax imposed as aforesaid other than a special Sanitary cess or water-rate shall without the express consent of Government be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purpose and not used or intended to be used for residential purposes or for purpose of profit (ii) any vehicle animal or other property belonging to Government and used solely for public purpose and not used or intended to be used for purposes of profit	Amendment of proviso (a) to section 59	No change Calls for no remarks

Municipal Regulation —*contd*

Provision in the existing Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
	(*iii*) any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes	(*iii*) any building or part of a building used as a place of public worship or used for a charitable purpose	The word ordinarily is omitted to avoid different interpretations and disputes as to the degree of use for public worship The words but not residential are omitted as otherwise the necessary residence of the servants and establishment of a place of worship or charitable institution would render the institution liable to taxes Rather than exclude such residential purposes from the operation of the clause it is considered desirable to omit the words altogether and leave the question whether such building is being used for profit to be determined in each case according to the facts of the case It has also to be stated that the words but not residential do not occur in the corresponding sections of similar enactments in British India
	(*iv*) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja	(*b*) (*i*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja	Clauses (*b*) and (*c*) confirm the existing practice and are in accordance with the Government Orders passed in this connection The clauses in the Bill do not correctly represent the practice and are therefore modified
	(*v*) any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja and no toll shall be leviable for the passage of	(*ii*) in respect of all other buildings owned by the Palace and used as rent-free residences no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water rate, if any which shall be recoverable from the occupants thereof,	

troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody	(c) no toll shall be leviable for the passage or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers or the conveyance of any person or property in their custody	
14 After Section 81 the following Section shall be inserted — 81A (1) (2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the President	14 After Section 81 the following section sall be inserted — 81A (1) * * * (2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the Municipal Council	New Section 81A Farming of tolls The power of sale should be exercised under the orders of the Municipal Council and not the President and the Council may if it chooses delegate the power to the President This is the law in Bombay Hence the change
16 After Section 84 the following section shall be inserted — 84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall be modified accordingly Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued	16 After Section 84 the following section shall be inserted — 84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis* Such Officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued	Addition of Section 84 A Distraint and sale outside the Municipality The correct legal expression is *mutatis mutandis* which is therefore used instead of modified accordingly

Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses of the bill which require change	Clauses as amended by the Select Committee	Reasons for the change
Nil	17 After Section 91 the following new Section 91A shall be inserted:— "91A. (1) It shall be the duty of every Municipal Council to prescribe a line on each side of every public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof Provided that— '(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall give public notice of the proposal and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and (b) ° ° ° (2) ° ° (3) ° °	17 After Section 91, the following new Section 91A shall be inserted — '91A (1) It shall be lawful for any City Municipal Council and such other Municipal Council as may be notified by Government in this behalf, to prescribe a line on either side or both sides of any public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed or for any part thereof Provided that— (a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall notify the same in the *Mysore Gazette* and shall give public notice of it and they shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed (b) ° ° ° and (c) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public. (2) ° ° ° (3) ° ° ° (4) If any person suffers loss by the Municipal Council not granting permission under sub-section (3) of this Section, he shall be entitled to claim from the Municipal Council compensation, which should in case of dispute be ascertained and determined in the manner provided in Section 160.	Addition of a New Section 91A. the regular line of Public street.	The changes made are, firstly that it should not be an *obligatory* duty of every Municipal Council to prescribe a line for *every* public street. The duty should be discretionary *i.e.*, left to the option of the Council and in respect of any such street as it may deem fit. Further the provision should apply only to City Municipalities and in exceptional cases to such other Municipalities as may be notified by Government. The clause is recast accordingly To give greater publicity the notice should be published in the *Mysore Gazette* and it must be given as much publicity as possible, apart from the special notice to be put up in the street. It is necessary to prescribe the preparation of a map of the area to be open to public inspection, in order that persons interested may have a chance of representing their grievances, if any There may be cases where after a line is prescribed under Section 91A the municipal Council may not choose to acquire the property falling within the line and the existing street and may also decline or delay the issue of a licence to the party concerned to build on it [illegible]

		building In such a case and in cases where the damage is likely to be heavy, where for instance the main portion of a building falls within the line the party s right for compensation should be specifically defined Hence the sub clause
(4) Whoever contravenes the provisions of sub section (3) shall be punished with fine which may extend to one thousand rupees and the Municipal Council may— (a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary	(5) Whoever contravenes the provisions of Sub section (3) shall be punished with fine which may extend to two hundred rupees and the Municipal Council may— (a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary	One thousand rupees is a disproportionate amount which so far as Mysore goes is not likely to be awarded as fine Hence it is reduced to Rs 200
18 After Section 93 the following new Section 93A shall be inserted —		
Nil	Omitted	*Vide* reasons on next page against clause 19 of the Bill
93A No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any bye laws made under this Regulation relating to the use of building sites or the erection or use of buildings Provided that the Government may in respect of all Municipalities or with the consent of the Municipal Council in respect of any particular Municipality or portion thereof exempt all buildings or any class of buildings from all or any of the provisions of this Chapter or the bye laws made thereunder		

Provision existing in the Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
Nil	19 After Section 93A the following new Section 93B shall be inserted — 93B (1) The Municipal Council may give public notice of its intention to declare— (a) that in any streets or portions of streets specified in the notice (i) continuous building will be allowed (ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural features be such as the Municipal Council may consider suitable to the locality or (b) that in any locality specified in the notice the construction of only detached buildings will be allowed or (c) that in any street, portions of streets or localities specified in the notice the construction of shops, warehouses factories huts or buildings of a specified architectural character or building destined for particular uses will not be allowed without the special permission of the Municipal Council (2) No objections to any such declaration shall be received after a period of three months from the publication of such notice (3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration and before doing so may modify it but not so as to extend its effect (4) The President shall publish any declaration so con	Omitted	Sections 93A and 93B appear to have been drafted without considering duly that Section 96 provides for practically all these matters Any additions necessary will have to be made in that Section Hence clauses 18 and 19 are omitted and Section 96 is suitably amended (*Vide poste* proposed amendment of Section 96)

of a
construct or reconstruct any
in contravention of any
declaration

21 After Section 95 the following new section shall be added —

95A The Municipal Council may require that any building used or intended to be used as a grain shop or grain store shall be erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government.

21 After Section 95, the following new section shall be added — **Addition of a new Section 95 A.**

95A The Municipal Council may require that any building used or intended to be used as a warehouse for the sotrage of grain shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building **Rat-proof building for warehouses for storing grain.**

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government

The section as worded is too wide and would cover petty retail shops as also every house where grain is kept even in small quantities for purposes of being used daily for food. The operation of the section is limited to warehouses where large quantities of grain are stored and there is not much watch for rats. The operation of the section should extend not only to warehouses to be erected hereafter but also to existing ones as is apparent from the word used and hence the corresponding word protected which seems to have been left out by mistake is also added There is no real protection against plague unless existing warehouses are also protected.

96 (2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice, and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level drainage, sanitation or ventilation or with reference to the location of the building in relation to any street existing or projected or where the Municipal Council have been specially empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper.

For Sub section (2) of section 96 the following shall be inserted — **Amendment of Section 96.**

(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished, or may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the location of the building in relation to any existing building or street existing or projected or prohibiting its use as a factory or where the Municipal Council have been specially empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper **Power of Municipal Council to pass orders.**

Sub-section (2) of section 96 is added to to cover cases contemplated by Sections 93 A and 93 B which have already been omitted The effect is that while building on sites could not be absolutely prohibited which is too drastic the provisions in Sections 93 A and 93 B *re* buildings in a line or detached and architectural character are provided for and constructing an unwholesome factory in the middle of dwelling houses can be prohibited

Provisions existing in the Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee	Reasons for the change
* * *	22 After Section 137 the following new section shall be inserted — 137A Within such limits as the Municipal Council may direct no person shall keep more than ten pigs or more than twenty goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	22 After Section 137 the following new section shall be inserted — 137 A Within such limits as a City Municipal Council may direct no person shall keep more than five pigs or more than ten goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	Licensing of goats and pigs may be limited to the City Municipalities and the number which would necessitate a license reduced to 10 and 5 respectively
(9) NUISANCES FROM CERTAIN TRADES AND OCCUPATIONS			
151 If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used * * * (i) as a brick pottery or lime kiln (j) for soap making (k) for oil boiling, * *	23 (1) For clause (k) of Section 151 the following shall be substituted — (k) for boiling pressing cleansing preparing or manufacturing by any process whatever oil (edible or non edible) (2) In the same section the following shall be added after clause (l) — (m) for parching grain *	Omitted	The case which led to this amendment (*vide* Mysore Chief Court Report Vol XXIX Pages 294 299) referred to preparing oil without a license under section 46 and not to carrying on the trade as a nuisance under this Section The amendment in the bill goes further than was intended by the prosecution in the above case and makes the preparation etc of oil a nuisance which is not always so The question regarding parching grain is also identical (*vide* discussions at the meeting of the Legislative Council on 16th April 1923) So in order to provide for what is actually intended Section 48 is added so as to provide for licenses being obtained for preparation of oil and for or

Additions of a new section 13. Licensing of goats and pigs

			clauses (i) and (ii) are omitted
Nil	(2) After section 151 the following new section shall be inserted 151A (1 No person shall newly establish in any premises any factory workshop or workplace in which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council	24 After section 151 the following new section shall be inserted — 151 A After the passing of this Regulation in a City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government no person shall establish in any premises any factory workshop or workplace in which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council	Addition of a new Section 151A Factories in crowded localities Newly is not a legal term and there may be difficulty in interpreting it It is therefore clearly stated that the section applies to all factories etc which may be started after the passing of this Regulation The operation of the section is restricted to City Municipalities and to such select Municipalities as the Government may notify
Nil	25 After Section 151 A the following new section shall be inserted — 151 B (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council (2) * (3) *	(2) * * * 25 After Section 151 A the following new section shall be inserted — 151 B (1) In any City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made applicable by the Government no person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council (2) (3)	Addition of a new Section 151B Use of siren or whistle for summoning or dismissing workmen The object is to restrict the operation of this section to City Municipalities and to such other Municipalities as Government may notify
	27 After Section 164 of the Regulation the following new section shall be added — 164 A No distraint shall be made no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made a suit might have been instituted or prosecution might first have been commenced as the case may be in respect of such sum	27 After Section 164 of the Regulation the following new section shall be added — 164 A No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced as the case may be in respect of such sum	Addition of new Section 164A Limitation for distraint Reference to institution of suits is omitted in this section as under section 87 of the Regulation taxes are first charge on the property in which case the limitation is 12 years

Provision existing in the Regulation	Clauses of the Bill which require change	Clauses as amended by the Select Committee		Reasons for the change
Nil	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council either of his own motion or on the application of an aggrieved party and to submit the same with his opinion to Government for such orders as they may deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is wrong or contrary to law	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass, if he is satisfied that the order or proceeding of the Council or its executive is contrary to law	Addition of a new Section 173A Deputy Commissioner's power of inspection of Municipal Councils	The words either of his own motion or on the application of an aggrieved party are omitted The omission does not alter the sense Also the words wrong or are omitted so that the Deputy Commissioner may not interfere on questions of fact
SCHEDULE II (See Section 59 Clause iii) *Maximum Rates of Tolls payable on entering the Municipal limits* Rs a p On every four wheeled vehicle with springs 0 8 0 On every jatka hackney or cart laden 0 4 0 On every jatka hackney or cart not laden 0 2 0 On every other vehicle with springs and every palanquin bicycle or tricycle 0 4 0 Nil	30 (1) In Schedule II above the words on every four wheeled vehicle with springs 0-8 0" the following words shall be inserted namely — Rs a p On every motor car 1 0 0 On every motor cycle or bicycle 0 8 0 (2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation *viz*	30 In Schedule II above the words and figures on every four wheeled vehicle with springs Re 0 8 0 the following words and figures shall be inserted namely — Rs. a p "On every motor bus 2 0 0 On every motor car 1 0 0 On every motor cycle 0 8 0		This is to provide for the case a motor bus The words 'or bicycle" are redundant and are struck out

Nil	*Explanation 3* — No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal District Fund or State Toll gate provided that when toll has been paid in respect of any vehicle or animal not ladden or unridden the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden shall be collected if such vehicle or animal again passes through the Municipal toll gate laden or ridden within such period *Explanation 4* — Any Municipal Council may with the previous sanction of Government declare that payment of toll on vehicles or animals at any toll gate whether within or without Mysore shall clear such vehicle or animals at any of their toll gates	Omitted	This matter may continue to be regulated by rules as at present

SCHEDULE II A —(AS IN THE BILL)

(SEE SECTION 59 CLAUSE XI)

Shops		Sort				
		1st	2nd	3rd	4th	5th
		Rs	Rs	Rs	Rs	Rs
Shops (Mundi) where all sorts of articles are sold per shop	In City Municipalities	50	40	30	20	
	In other Municipalities	30	25	20	10	
Shops in which piece goods are sold per shop	In City Municipalities	20	15	12	8	
	In other Municipalities	15	12	10	6	
Other shops per shop	In City Municipalities	15	12	9	6	4
	In other Municipalities	12	10	7	4	2

SCHEDULE IIA —(AS AMENDED)

(SEE SECTION 59 CLAUSE XI)

Items		Sort					
		1st	2nd	3rd	4th	5th	6th
		Rs	Rs	Rs	Rs	Rs	Rs
1 Shops (per shop)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2
2 Other places where business or profession is carried on for purposes of profit (per place)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2

DISSENTING NOTE BY MESSRS C NARASIMHAIYYA AND B K GARUDACHAR

Section 12

For substituting the words was assessed to for the words has been paying in clause (c) of Section 12 no valid reason has been assigned Even the draft Bill that was placed before council does not disclose any reason In the statements of object and reasons attached to the Bill and notes on clauses no suggestion has been thrown out for a change in this particular section It appears to have been simply inserted at the suggestion of some municipal council or councillors Even the Local Self Government Conference has not made a recommendation of this kind

The *Election Roll* contemplated in Section 13 is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality If in the opinion of the framers of the Bill Election Roll and Khata mean one and the same thing then there is no necessity to prepare a separate Roll at all The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues That was the very reason why in an Election Roll only the names of such persons who have paid the taxes were included A citizen will not by merely living or owning property in a city acquire a right to vote unless a universal franchise is conceded and unless he actually pays before the preparation of the Roll he has to lose his right It may lead a citizen to be indifferent negligent or even to refuse to vote It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon The proposed change is not desirable Such a practice does not obtain either in the Bombay or in the Madras Presidency and a proposal to this effect was negatived in the Madras Legislative Council We therefore record our dissent on the amendment

Section 46

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye laws suited to the condition of each locality The rules so framed should not be inconsistent with the Regulation and they have to be approved by the Government But the proposed alteration deprives the Council of all its powers of framing Rules and Bye laws as regards clauses (*b*) (II) (*c*) (*e*) (*f*) (*g*) and (*h*) and vests the power in the Government No reason has been assigned for this drastic change No instances have been brought to light in which Municipalities have used their power to their detriment or to the annoyance of the Government Very strong reason must be urged to take away such powers enjoyed by the Municipalities for years together The objects and reasons and notes to clauses do not disclose any reason The only reason assigned during the discussion in the Select Committee is that power is reserved to Government because of their intention to transfer Municipal Officers and servants from one Municipality to another There is no provision in the proposed Bill to give effect to such transfers Even in the proposed amendment of Section 46 there is no provision for transfers This is an thing like putting the cart before the horse The proposed amendment can be thought of only when there is a provision for mutual transfers of officers and servants from one Municipality to another The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment We therefore record our dissent on the proposed amendment to Section 46

Section 59 Clause XI

The addition of the words and other places after shop and or profession after business are not necessary The idea of the framers of the Bill is clearly explained in notes on clause 12 It clearly shows that the object is to levy shop tax in lieu of profession tax in respect of *business carried on in the shop* The framers of the Bill did not mean that the levy should extend to any profession carried on in one's own house or in any other place except a shop If the proposed change is accepted it means that a weaver a potter a goldsmith a washerman etc who uses a portion of his living quarters for earning daily bread will have to be taxed It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them Our benign Government are making strenuous efforts to encourage and help Home Industries We therefore oppose the addition of the said words to the Draft Bill

Section 95 (a)

To amend the Section 95 (*a*) so as to affect the present grain shop owners is undesirable There are many petty traders and their capital may not exceed more than a couple of

hundreds of rupees It will be an uphill task to these petty traders to improve their premises or warehouses in accordance with the clauses of the new Bill Even a reasonable time within which the existing warehouses could be improved is not thought of and no provision made giving such facilities to the existing warehouses Whatever may be the restriction that may be placed upon the warehouses to be opened after the passing of this Regulation, the existing warehouses should not be forced to come under the New Regulation for punishment Therefore the word used in the proposed clause should be deleted

The Municipal Regulation as it now exists and the Bill now introduced for amendment are complicated There is only one Regulation for the City Town, and other Municipalities One has to wade through to find out the sections relating to the City and Town Municipalities Such a difficulty was experienced by us when reading the Bill in the Select Committee It is essential that there should be separate Regulations for different kinds of Municipalities We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City Town and Minor Municipalities

C NARASIMHAIYA,
B K. GARUDACHAR.

OFFICE OF THE SECRETARY LEGISLATIVE COUNCIL BANGALORE

Notification No 340 dated 11th December 1925

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore District Boards Bill is published for general information with the portions of the Bill as amended by th m

By Order

R RANGA RAO

Secretary Legislative Council

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE DISTRICT BOARDS BILL

We the members of the Select Committee appointed to consider the District Boards Bill met and considered the Bill at six sittings The clause in the Bill which in our opinion require changes the amendments proposed by us and the reasons therefor are noted below We recommend that the Bill as amended by us may be passed by the Council

(SD) B NARAYANA
M ZAHIRULLAH MECCI
B ABDUR RAHMAN
H VENKATRAMIA
SYLVESTER LAIS
G LAKSHMASIVIAH
W L CRAWFORD
N S NANJUNDIAH *
K CHANDY (*Chairman*)

*(Signed subject to a note of dissent)

District Boards Bill

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Preamble—Whereas it is expedient to consolidate and amend the law relating to District Boards and District Funds it is hereby enacted as follows —	*Preamble*—Whereas it is expedient to consolidate and amend the law relating to Local Boards and Village Panchayets (Regulation No VI of 1918) so far as it pertains to District Boards it is hereby enacted as follows —	The law that is proposed to be amended is contained in the Local Boards and Village Panchayet Regulation No VI of 1918 The preamble is recast to show that it is this Regulation that is replaced so far as it relates to District Boards
Clause 1—Proviso—Provided that it shall be lawful at any time after the passing of this Regulation to hold an election in any district in the manner prescribed in this Regulation or the rules framed thereunder but such election shall not take effect till the commencement of this Regulation in that district	*Clause 1—Proviso*—Provided that it shall be lawful at any time after the passing of this Regulation to hold elections in any district as prescribed in this Regulation or the rules framed thereunder but such election shall not take effect till the commencement of this Regulation in that district	This is to avoid an interregnum when the Regulation is introduced into any district Elections may take place before hand and as soon as the Regulation is introduced in a district a District Board may be constituted at once
Clause 2—Proviso—Provided that—(*a*) (*b*) any appointment notification notice order scheme license permission rule bye law form tax fee cess or rate made issued or imposed contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Board and Village Panchayets Regulation 1918 or under any enactments or rules thereby repealed shall so far as may be be deemed to have been made issued imposed entered into and instituted under this Regulation	*Clause 2—Proviso*—Provided that—(*a*) (*b*) any appointment notification notice order scheme license permission rule bye law form tax fee cess or rate made issued given or imposed contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation 1918 or under any enactments or rules thereby repealed shall so far as may be be deemed to have been made issued given imposed entered into and instituted under this Regulation	There is no suitable verb for the word permission Hence the change in two places
(*c*) the assets and liabilities of the aforesaid District and Taluk Boards in such district shall subject to such restrictions and conditions as may be imposed by the Government devolve on the District Board constituted under this Regulation	(*c*) the assets and liabilities of the aforesaid District and Taluk Boards in such district shall subject to such conditions as may be imposed by the Government devolve on the District Board constituted under this Regulation provided that any funds set apart for a specific purpose by the aforesaid Boards shall not be diverted for any other purpose without the consent of the District Board thus constituted	Restrictions is not a suitable word the word conditions is comprehensive and includes restrictions also The concluding clause will ensure that it is only when Government and the newly constituted Board both agree that funds set apart for one object could be diverted for a different object
3 In this Regulation—	3 In this Regulation—	Interpretation
(1) District means any local area which for the purposes of collection of land revenue shall have been placed for the time being under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may by notification in the Official Gazette from time to time declare to be a district or to be attached to and to form part of a District	(1) District means any local area which for the purposes of the collection of land revenue shall have been placed for the time being under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may by notification in the Official Gazette, from time to time declare to be a District	The words struck out are unnecessary in view of the power given to Government to declare any area as a district for the purposes of this Regulation

4 (1) As soon as may be after the commencement of this Regulation the Government of His Highness the Maharaja shall with effect from such date as it may appoint establish by notification in the Official Gazette for each district a District Board having authority over the entire district provided that such portions of the district as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation 1906 shall be excluded from the jurisdiction of the District Board

7 The elected members of District Board shall be elected by general and special constituencies and the number and extent of such constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf

8 (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his district of the persons qualified to vote in such constituency at elections of members of the District Board

9 Every person who is not less than 21 years of age and who is not subject to any disqualification specified in Section 10 or any other provision of this Regulation or the rules thereunder shall be entitled to have his name entered in the list for a constituency prescribed under Section 8 qualifying him to vote at elections of members of District Boards in such constituency if he

10 No person may vote who —

(a) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation such sentence not having been subsequently reversed or quashed or

(b) is a person against whom an order has been passed under Section 180 of the Code of Criminal Procedure 1904 in proceedings instituted under Section 110 of that Code such order not having been subsequently reversed or quashed or

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4 (1) As soon as may be after the commencement of this Regulation and with effect from such date as it may appoint the Government of His Highness the Maharaja shall establish by notification in the Official Gazette for each district a District Board having authority over the entire District provided that such portions of the district as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation 1906 shall be excluded from the jurisdiction of the District Board

7 The elected members of District Boards shall be elected by general and special constituencies and the description number and extent of such constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf

8 (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his district of the persons qualified to vote in such constituency at elections of members to the District Board

9 Every person who is not less than 21 years of age and who is not subject to any disqualification specified in Section 10 or any other provision of this Regulation or the rules thereunder shall be entitled to have his name entered in the list for a constituency prescribed under Section 8 qualifying him to vote at elections of members to District Boards in such constituency if he

* *

10 No person may vote who —

(a) has been convicted by a Criminal Court of an offence punishable with imprisonment for a term exceeding six months or with transportation such sentence not having been subsequently reversed or quashed or

(b) is a person against whom an order has been passed under Section 118 of the Code of Criminal Procedure 1904 in proceedings instituted under Section 110 of that Code such order not having been subsequently reversed or quashed or

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Establishment and incorporation of District Boards

Calls for no remark as it is a mere transposition of a phrase which had come in between the auxiliary and principal verb to its proper place

There was no indication as to what should constitute general and special constituencies Description of these is also included in the scope of the rules

Deputy Commissioner to keep list of voters

Calls for no remarks

What person may be entered in the list

Calls for no remarks

General disqualification for voting

The period of the punishment awardable for an offence should ordinarily decide disqualification and matters would be equalised in the case of less heinous offences by the proviso to the clause

The figure 180 is incorrect It should be 118

District Boards Bill—*contd*

Clauses which require change	Clauses as amended by the Select Committee	Reasons for the change
(c) has been dismissed from Municipal District Board or Government service or * * * * Provided that— the disqualifications in clauses (a) (b) (d) and (e) will cease to operate after expiry of ten years from the date of such sentence order dismissal withdrawal or removal or earlier by an order of Government	(c) has been dismissed from Municipal District Board or Government service and debarred from being re entertained in such service or * * * Provided that— (i) the disqualification in clause (a) will cease to operate after expiry of three years from the expiry of the sentence or earlier by an order of Government and that in clause (b) after expiry of the period during which the person is ordered to furnish security and (ii) the disqualifications in clauses (c) (d) and (e) will cease to operate after expiry of ten years from the date of such dismissal withdrawal or removal or earlier by an order of Government	Disqualification should be confined to cases where in addition to dismissal a person is debarred from being re entertained The period during which disqualification under (a) will subsist is reduced to three years and that in (b) to the period during which security is ordered to be furnished As offences punishable with more than six months imprisonment include both heinous and minor offences the power of Government to remove the disqualification earlier than three years is retained As regards (c) (d) and (e) the existing provision may remain including power of Government to remove the disqualification
11 Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female or a salaried officer or servant of the District Board or the Government and who has not directly or indirectly by himself or his partner any share or interest in any work done by order of a District Board or in any contract or employment with or under or by or on behalf of District Board may be a candidate at any election in such constituency	11 Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female a salaried officer or servant of the District Board or the Government and any person who has not directly or indirectly by himself or his partner any share or interest in any work done by order of the District Board or in any contract or employment with or under or by or on behalf of the District Board may be a candidate at any election in such constituency	Qualification for election to District Boards The third para relating to share and interest governs all cases and hence the changes made *viz* omission of or in the first para and addition of any person in the second para
Provided that— (i) no person shall be disqualified by reason only of such person (a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation 1918 which shall contract with or be employed by or on behalf of the District Board or	Provided that— (i) no person shall be disqualified by reason only of such person (a) having a share in any joint stock company or a share or interest in any Literary Association registered under the Societies Registration Regulation 1904 or in any society registered under the Mysore Co operative Societies Regulation 1918 which shall contract with or be employed by or on behalf of the District Board, or	Literary Associations are also included

section, his seat shall be to be vacant and the vacancy shall be filled up, as soon as conveniently may be by the election or appointment as the case may be of a person thereto who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the Board

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall if otherwise duly qualified be subject to the proviso to Section 11 eligible for re election or re appointment

13 (1) Subject to such rules as may be prescribed in this behalf every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf

(2) Where there is no duly qualified candidate the Deputy Commissioner shall report the matter to Government with proposals for nominating the required number of members and where the number of duly qualified candidates is less than the number of members required to be elected the Deputy Commissioner shall declare all such candidates to be elected and shall report the fact to the Government with proposals or nominating the remaining number of members

(3) When the number of duly qualified candidates is equal to the number of members required to be elected the Deputy Commissioner shall declare all such candidates to be elected

(4) If at any election of a member of a District Board under this Regulation there is an equal number of votes in favour of each of two or more persons who are willing to take office and the addition of one vote will entitle any of the persons to be elected the determination of the person or persons to whom one additional vote shall be deemed to have been given shall be made by the Deputy Commissioner or by such officer as he may empower in this behalf by lot in such manner as he shall deem fit

(5) If any person duly elected at any such election decline to take office the person if any amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected

(6) In cases falling under sub section (2) and when at any contested election no votes are recorded or for any reason an election does not result in the return of the required number of qualified persons willing to take office the Government shall appoint the required number of persons being persons who would have been qualified to be elected and persons so appointed shall be deemed to be members of the District Board as if they had been duly elected

of the this Regulation, his seat his deemed to be the vacancy shall be filled up, as soon as convenien y may be by the election or appointment as the case may be of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall if otherwise duly qualified and subject to the proviso to Section 11 be eligible for re-election or re appointment

Elections when to be held and provisions f elections o nominations in particul r cases.

13 (1) Subject to such rules as may be prescribed in this behalf every election requis te for the purposes of this Regulation shall be held on such dates as the Deputy Commissi ner shall fix in th s behalf

(2) (a) Where the number of duly qualified candidates is not more than the number of members required to be elected the Deputy C mmissioner shall declare all such candidates to be elected

(b) Where there is no duly qualified candidate or where the number declared under clause (a) above is less than the number required to be elected the Deputy Commissioner shall report the fact to Government with proposals for nominating the required number of members

(3) In cases falling under clause (b) of sub section (2) and when at any contested election no votes are recorded or for any reason an election does not result in the return of the required number of qualifi d persons willing to take office the Government shall appoint the required number of persons being persons who w uld have been qualified to be elected and persons s appointed shall be deemed to be members of the District Board as if they had been duly el cted

Calls for no remarks.

Sub clauses (2) and (3) are somewhat cumbrous and some portions are repeated They are re-cast without in any way affecting the sense.

Consequential to above The proper place for the sub clause is just after sub clause (2)

Clasuses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
	(4) If at any election of a member of a District Board under this Regulation there is an equal number of votes in favour of each of two or more persons who are willing to take office and the addition of one vote will entitle any of the persons to be elected the determination of the person or persons to be elected shall be made forthwith by the Polling Officer by lot in such manner as may be prescribed by the Government (5) If any person duly elected at any such election declines to take office the person if any amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected	Elections are ordinarily held at Taluk headquarters and may be held at more than one polling centre in one taluk The Polling Officer has to count the votes and declare the results then and there It is therefore desirable to authorize the Polling Officer to decide by lot in cases of equal votes so as to avoid the delay of sending the papers to the Deputy Commissioner who cannot be on the spot
14 (1) Any person qualified to vote at an election may at any time within fifteen days after the date of the declaration of the result of an election or the date of an order or proceeding apply to the District Judge of the District within which the election has been or should have been held for the determination of the validity of the election or the legality of the order or proceeding in question	14 (1) At any time within fifteen days after the declaration of the result of an election or the date of the order or proceeding under Section 13 any candidate who stood for election or any ten persons qualified to vote at that election may apply together with a deposit of fifty rupees as security for costs to the District Judge of the District within which the election has been or should have been held for the determination of the validity of the election or the legality of the order or proceeding in question Determination of validity of election on enquiry by Judge Proceedure	It is desirable to restrict the right to question an election or an order under Section 13 to only a candidate or to 10 voters jointly in order that only cases where a real grievance exists may be taken up to Court In furtherance of the same object and to secure payment of the expenses of the opposite side deposit of Rs 50 as security for costs is also provided for other Regulations have a similar provision
14 (2) An enquiry shall thereupon be held by the District Judge who may after such enquiry as he deems necessary pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or some other officer empowered in this behalf under Section 13 or setting the election aside For the purposes of the said enquiry the said Judge may exercise any of the powers of a Civil Court He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive If he sets aside an election a date shall forthwith be fixed and the necessary steps will be taken for holding a fresh one *Clause 14 sub clause* (4) —Explanation *Explanation* —The expression a promise of individual profit includes a promise for the benefit of the person himself or any person in whom he is interested but does not include a promise to vote for or against any particular measure which may come before a District Board for consideration	14 (2) An enquiry shall thereupon be held by the District Judge who may after such enquiry as he deems necessary pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or other officer empowered in this behalf under Section 13 or setting the election aside For the purposes of the said enquiry the said Judge may exercise any of the powers of a Civil Court He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive If he sets aside an election he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election *Clause 14 sub clause* (4) —Explanation *Explanation* —The expression a promise of individual profit includes a promise for the benefit of the person himself or any person in whom he is interested but does not include a promise to vote for or against any particular measure which may come before the District Board for consi	Provision is made for a communication of the decision of the District Judge to the Deputy Commissioner in order to enable the latter to take immediate steps if necessary for a fresh election a is replaced by the to define the particular District Board in respect of which a corrupt practice is committed.

ernment that behalf, at any time [illegible] from such disqualification	that such person may at any time be relieved from such disqualification by an order of the Government in that behalf	Calls for
15 Any person who has been disqualified from being a member under the last preceding section shall for the period for which the disqualification is to last be disqualified from voting at any election to a District Board	15 Any person who has been disqualified for any period from being a member under the last preceding section shall also be disqualified from voting at any election to a District Board for the same period	Slightly re cast without affecting the sense Calls for no remarks
16 The names of all members finally elected to any District Board as well as the names of the nominated members and the official designations of the *ex officio* members if any appointed thereto shall be published as soon as conveniently may be in the Official Gazette	16 The names of all members finally elected to any District Board as well as the names of the nominated members and the official designations of the *ex officio* members if any appointed thereto shall be published in the Official Gazette	The words as conveniently as may be are omitted as unnecessary
17 (2) When an office has been notified under clause (*b*) of sub section (1) the person from time to time executing the functions of that office shall be and shall continue to be President unless and until such notification is altered or rescinded by the Government, or until his term as member expires	Omitted	This sub-clause is omitted because the Vice President whenever there is one is empowered under clauses 21 (*a*) and 29 (2) (*e*) to preside during the absence of the President and where there is no Vice President a Chairman can be elected to preside under clause 29 (2) (*e*) and as the Government have decided in G O No 11113 20—L B 4 19 98 dated the 6th April 1921 that when an officer is President by virtue of his office and another officer takes charge of the office during casual vacancies without a notification the latter officer cannot preside
17 (4) If and whenever the Government so directs there shall be a Vice President for a District Board elected by the members from among their own number	17 (3) There may be a Vice President for a District Board elected by the members from among their own number unless the Government otherwise directs	It is not desirable to curtail existing rights Under the existing law a District Board may have a Vice President unless the Government directs otherwise This is retained in place of the sub clause in the bill which takes away the option from the District Boards
18 (3) Every President other than an *ex officio* President and every Vice President of a District Board shall reside at the District headquarters of the District for which the Board has been established	Omitted	It is necessary to remove this restriction as it will come in the way of the appointment or election of suitable and desirable candidates who live within easy distance of headquarters and can attend to the work and there is provision to remove a President if he neglects his work
19 The President of a District Board shall * * * *	19 The President of a District Board shall * * *	Functions of Presidents

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
(*d*) furnish to the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93	(*d*) furnish to the Government through the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93	Re cast so as to conform to the present practice
20 The President of the District Board may in cases of emergency direct the execution * * *	20 (1) Any powers or duties or executive functions which may be exercised or performed by or on behalf of the District Board may be delegated in accordance with rules to be made by the Government in this behalf to the President or to the Vice President or to the Chairman of the Standing Economic Public Health or other Committee or to one or more stipendiary or honorary officers but without prejudice to any powers that may be exercised or may have been conferred on a Chief Officer under Section 87 or any committee by or under Sections 31 32 33 and 34 and each person who exercises any power or performs any duty or function so delegated may be paid all expenses necessarily incurred by him therein (2) The President of the District Board may in cases of emergency direct the execution * * *	Powers and duties and functions may be delegated to officers who expenses may be paid Emergency powers of President Disqualification of member after election	Provision is made for the delegation of the powers that may be exercised or the duties that may be performed by the District Board to the President or the Vice President or other officer or officers and such officers have to be paid the expenses necessarily incurred by them This is the existing clause re-numbered as sub clause (2)
26 (1) Any member of a District Board who during the term for which he has been elected or appointed * * * *	26 (1) Any member of a District Board who during the term for which he has been elected or appointed * * * *	
(*c*) is absent for more than four consecutive months from the District for which the Board is established unless leave so to absent himself which shall not exceed six months has been granted by the Board or absents himself for six consecutive months from meetings of the Board without the leave of the Board shall cease to be a member and his office shall become vacant	(*c*) is absent for more than four consecutive months from the District for which the Board is established unless leave so to absent himself which shall not exceed six months has been granted by the Board or absents himself from three consecutive meetings of the Board without the leave of the Board shall cease to be a member and his office shall become vacant	The Board ordinarily meets once in three months It is desirable to fix absence with reference to meetings held Three meetings is the limit fixed in the Municipal Regulation and is adopted here also.
28 (2) In the event of a vacancy occurring on account of death resignation disqualification or removal of a member of a District Board previous to the expiry of his term of office the vacancy shall be filled up as soon as conveniently may be by the election or appointment as the case may be of a person thereto who shall hold office so long only as the member in whose place he is elected or appointed would have held it	28 (2) In the event of a vacancy occurring on account of death resignation disqualification or removal of a member of a District Board previous to the expiry of his term of office the vacancy shall be filled up by the election or appointment, as the case may be of a person thereto who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.	Casual vacancies how to be filled up The words as soon as conveniently may be are omitted as unnecessary

29 (2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the dates of the subsequent quarterly meetings shall be fixed at the previous meeting of the Board but the President may whenever he thinks fit and shall upon the written request of not less than one fourth of the members and for a date within twenty one days from the receipt of such request call a special meeting When the President and Vice President are unable or fail for any reason to call a meeting the Deputy Commissioner may exercise the powers of a President for that purpose

29 (2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the date of each subsequent quarterly meeting shall be fixed at the previous meeting of the Board provided that the President may for sufficient reasons alter the day of the meeting to a subsequent date The President may whenever he thinks fit and shall upon the written request of not less than one fourth of the members and for a date within twenty one days from the receipt of such request call a special meeting Such request shall specify the object for which a meeting is proposed to be called When the President or in his absence the Vice President is unable or fails for any reason to call a meeting the Deputy Commissioner may exercise the powers of a President for that purpose

This is n in order to save the time and labour involved in an election when the period is very short

The clause is recast to allow the President to alter the date of a meeting to a subsequent date In practice this is done but there is no provision for it It is also provided that whenever a special meeting is wanted the objects for which the meeting is to be called should be specified

29 (2) (b) Twenty one clear days notice of a quarterly meeting and fourteen clear days notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be circulated to the members and posted up at the District Board Office Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting

29 (2) (b) Fourteen clear days notice of a quarterly meeting and ten clear days notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be sent to the members and posted up at the District Board Office Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting

Ten days for an ordinary and six days for a special meeting is the period now required While this is too short the proposed period of 21 and 14 days seems too long Hence the change

Circulated would necessitate the same paper being sent to each member which would mean undue delay It is changed to sent

29 (2) (c) If less than one third of the whole number of members be present at a meeting at any time from the beginning to the end thereof the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix a notice of such adjournment shall be fixed up in the District Board Office and the business which would have been brought before the original meeting, had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there is a quorum present or not.

29 (2) (c) One third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board If at the time appointed for the meeting or within half an hour thereafter a quorum is not present the presiding authority shall adjourn the meeting to such hour on some future day as he may reasonably fix He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum At such adjourned meeting the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not provided that not less than five members are present

It is made clear that the President may adjourn a meeting if no quorum is present at the time appointed for the meeting or within half an hour thereafter The provision in the Bill is vague on this point The quorum is also fixed For an adjourned meeting no quorum is necessary but the minimum number to transact business is fixed at 5 to prevent only two or three members disposing of what may be important matters

29 (2) (f) All questions shall * * * be decided by a majority of votes of the members present * * *

29 (2) (f) All questions shall * be decided by a majority of votes of the members present and voting * *

Some of the members present may not choose to vote Hence it is necessary to add the words and voting

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
29 (2) (*h*) If the presiding authority is believed by the members present at the meeting to have any such pecuniary interest in any matter under discussion he may if a motion to that effect be carried be required to absent him elf from the meeting during such discussion	29 (2) (*h*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried he shall not preside at the meeting during such discussion or vote on or take part in it Any member of the Board may be chosen or elected to preside at the meeting during the continuance of such discussion	The clause is recast so as to permit any member present to take objection to the presiding authority on the ground of pecuniary interest in the matter under discussion The presiding authority need not absent himself ugh he cannot take part in the discussion or vote or preside Provision is also made to choose somebody else to preside as para (*e*) of the sub clause does not provide for all cases that may ari e *e g* where objection is taken to a Chairman who is selected under para (*e*) in the absence of the President and Vice President
29 (2) (*k*) No resolution of a District Board hall be modified or cancelled within three months after the pa sing thereof except by a resolution supported by not less than one half of the whole number of members and passed at a quarterly or special meeting whereof notice shall have been given fulfil ling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution	29 (2) (*k*) No r solution of a District Board shall be modi hed or cancelled within six months after the passing thereof except by a resolution passed by not less than one half of the whole number of members at a quarterly or special meeting notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is pro posed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolu tion	A District Board meets once in three months ordinarily As the clause stands in the Bill a resolution at one meeting can be cancelled at the very next meeting, which is not desirable The period is raised to six months The other change is in tended to remove any possibility of doubt and to make it clear that a resolution of the Board can be cancelled by a subse quent resolution only when it is passed by not less than half the number of members
29 (4) A copy of every resolution passed by a District Board at a meeting shall within ten days from the day of the meeting be forwarded to the Deputy Commissioner who shall submit the same to the Government with his remarks if any and the Government may pass su h orders as it may think proper	29 (4) A copy of every resolution passed by a District Board at a meeting shall within ten days from the day of the meeting be forwarded to Government through the Deputy Com mis ioner and the Government may pass such orders thereon as it may think proper	Recast so as to conform to the present practice.
30 (2) A member of a District Board may move resolu tions and interpellate the President on matters connected with the administration of the Board subject to such rules as may be made by the Board and the Government in this behalf	30 (2) A member of a District Board may move resolu tions and interpellate the President on matters connected with the administration of the Board subject to such rules as may be made by the Board	The last six words are struck out as unnecessary in view of the fact that the rules made by the Board should not be (clause 29 (1)) with those under clause

31 (1) Every District Board shall appoint a Standing Committee consisting of such number of members not being more than seven and not less than five as the Board may determine

31 (3) The President of the District Board shall be *ex officio* member and Chairman of the Standing Committee in addition to the members appointed under sub section (1)

32 (2) It shall be lawful to the District Board to appoint as a member of the said Committee any person of either sex who is not a member of the Board but who may in the opinion of the Board possess special qualifications for serving on the Committee

32 (3) It shall also be lawful for the District Board to appoint temporarily additional members of either sex whenever necessary for the consideration of any particular subject or subjects

33 (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect The said members may co opt the District Medical Officer of the District or any Medical or Sanitary Officer of the Government or a legally qualified Medical Practitioner to be a member of the Committee for a period not exceeding the term of their own office

35 The Principal Sanitary Officer and the Principal Medical Officer of the District the Senior Surgeon and Sanitary Commissioner the Veterinary Superintendent and the Assistant Veterinary Superintendent the Live Stock Expert the Director of Agriculture the Deputy Director and Assistant Director of Agriculture the Executive Engineer the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall if they be not already members be entitled to attend any meeting of a District Board or of any Committee thereof and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so

31 (1) Every District Board shall appoint a Standing Committee consisting of the President the Vice President if any and other members of the Board The total number of members of such Standing Committee shall not be more than seven and not less than five as the Board may determine

Standing Committee

31 (3) The President of the District Board and in his absence the Vice President shall be *ex officio* Chairman of the Standing Committee

32 (2) It shall be lawful for the District Board to appoint as members of the said Committee any persons of either sex who are not members of the Board but who may in the opinion of the Board possess special qualification for serving on the Committee Such persons may be appointed to the said Committee either during the term of the said Board or temporarily for the consideration of a particular subject or subjects

33 (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect The District Board may co opt for a term not exceeding the term of office of the said Board either the District Medical Officer of the District or any Medical or Sanitary Officer of the Government or a legally qualified Medical Practitioner to be a member or members of the said Committee

Public Health Committee

35 The Principal Sanitary Officer and the Principal Medical Officer of the District the Senior Surgeon the Sanitary Commissioner the Veterinary Superintendent and the Assistant Veterinary Superintendent the Live Stock Expert the Director of Agriculture the Deputy Director and Assistant Director of Agriculture the Director and Assistant Director of Industries the Executive Engineer the District Inspector of School and the Registrar and Assistant Registrar of Co operative Societies shall if they be not already members be entitled to attend any meeting of a District Board or of any Committee thereof and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so

Certain Government officers entitled to attend and speak and District Board may require other officers to do so

The presence of the President and the Vice President if any appears to be desirable if not necessary on the Standing Committee and the number including them should not exceed seven Hence the change

This is to provide for the Vice President stepping into the place of the President during his absence

There is no apparent difference between sub clauses (2) and (3) unless it be regarding their term The two are combined into a single sub-clause bringing out also the nature of their appointment

Slightly recast without altering the sense to provide for more than one of such officers being co opted

Director and Assistant Director of Industries are added to the list as the District Board may sometimes deal with matters connected with that department

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
41 No act of a District Board or of any Committee or of any person acting as a member or as a President Vice President or Chairman shall be deemed to be invalid by reason only of some defect in the appointment of such Board Committee President Vice President Chairman or member or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President Vice President or member of such Board or Committee or for any other such mere informality	41 No act of a District Board or of any Committee or of any person acting as a member or as a President Vice President or Chairman shall be deemed invalid by reason only of some defect in the appointment of such Board Committee President Vice President Chairman or member or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President Vice President or member of such Board or Committee or for any other such informality	**Acts of Boards etc not to be invalidated.** The word mere is struck out as unnecessary
44 Every road building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed	44 Every road building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed Provided that such portion of a District Board road as may be within the area of a Municipality shall vest in the Municipal Council of such Municipality	**Works constructed by District Board to be vested in it.** The proviso is added in order to avoid a conflict with Section 50 of the Municipal Regulation which vests all roads within the limits of a Municipality in the Municipal Council
45 (1) Every District Board shall so far as the funds at its disposal will permit but subject to such exceptions and conditions as the Government may from time to time make and impose undertake the control and administration of and be responsible for the following matters within the area subject to its authority	45 (1) Every District Board shall so far as the funds at its disposal will permit but subject to such exceptions and conditions as the Government may from time to time make and impose undertake the control and administration of and be responsible for the following matters within the area subject to its authority —	**Duties of the District Board**
(*a*) Construction repair and maintenance of public roads and other means of communication	(*a*) Construction repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of Government	In the area under the control of the District Board there may be roads etc which are under the control and management of Government or other local bodies The District Board is not responsible for such roads etc
(*b*) planting and preservation of trees on the sides of roads and on other public ground	(*b*) planting and preservation of trees on the sides of roads and on other public ground in its control	It is only in respect of roads and public grounds under its control that a District Board can be called upon to plant and preserve trees
(*d*) Construction and repair of public wells, tanks and water works supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes	(*d*) construction and repair of public wells tanks and water works which serve more than one Village Panchayat supply of water from them [illegible] from other [illegible] vation from pollution of water for drinking [illegible] poses	Upkeep of wells tanks etc serving villages under different Panchayats and carrying out of measures and services affecting such villages should fall within the scope of the duties of District Boards.

* *	yets and control of and sanitation du jatr or fairs and festivals * * *	
(g) encouragement and development of Co operative Societies	Omitted	This is transferred to discretionary duties under sub-clause (4) of the clause
(j) payment of expenses of maintenance and treatment of persons undergoing anti rabic treatment subject to the general or special orders of the Government	(i) payment of travelling expenses of persons undergoing anti rabic treatment subject to the general or special orders of the Government	The District Boards are now paying only the travelling allowance of persons who go for treatment. Hence the change
* * *	* * *	
(n) any other local works or measuars likely to promote the health safety comfort convenience interest or welfare of the public	(n) any other local works or measuars likly to promote the health safety comfort convenience interest or welfare of the public in the District	*Vide* reasons given against (d) and (f) above
(2) any Di triet Board may at its discretion—	(2) Any District Board may at its discretion—	
(a) * * *	(a) * * *	
(b) * * * and	(b) * * *	*Vide* reason noted against (g) in sub clause (1) above
(c) *	(c) * * * and	
	(d) encourage and develop co operative societies in the District	It is desirable that the Board is consulted beforehand in such cases before action is taken
48 It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under Section 47 on such terms as the Government may determine	48 It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under section 47 on such terms as the Government may determine after consultation with the Board (Power of Government to resume property)	
51 The President of a District Board may subject to the bye lays made in this behalf permit the t mporary occupa tion or use of a road or land vested in the Board for the erection of pandals or use on the occasion of fairs and festivals or for any approved purpose	51 Subject to the bye laws made in this behalf the President of a District Board may permit the temporary occupation or use of any road or land vested in the Board, for the erection of pandals or for any other lawful purpose	Instead of enumerating the purposes for which a road or land may be given the words 'for any other lawful purpose" are substituted Lawful' is more correct than ' approved' Transposition of words—calls for no remarks.
52 Subject to such rules as may be prescribed by the Government in this behalf and to the bye laws to be framed by the District Board it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed by the Deputy Commissioner under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form construction weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed time fees mode of tra tion or locomotion use of appli ances for protection of the roadway number of lights and ass stants and other general precautions	52 It shall be lawful for a District Board ubject to such rules as may be prescribed by the Government in this behalf and to the bye laws framed by the District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form construction weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk of obstruction to other vehicles or to pedestrians except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed time fees mode of traction or locomotion use of appliances for protection of the roadway number of lights and assistants and other general precautions (Control of unwieldy traffic)	Persons besides the Deputy Commissioner may issue licenses for motor vehicles Hence the change

Clauses which require amendement	Clauses as amended by the Select Committee	Reasons for the change
54 (1) All markets slaughterhouses and cart stands constructed and maintained out of the District Funds shall be deemed to be public markets, public slaughterhouses and pub he cart stands respectively and no public market shall be opened by a District Board without the previous sanction of the Government (2) No private person shall continue to keep open a private market slaughterhouse or cartstand lawfully establish ed prior to the commencement of this Regulation unless he obtains from the District Board a license in writing to do so (3) Except as provided in sub section (2) no person shall after the commencement of this Regulation open or keep open a private market slaughterhouse or cart stand (4) No person shall sell or expose for sale any article or animal in any unlicensed private market	54 (1) All markets, slaughterhouses and cart stands cons tructed and maintained out of the District Funds shall be deemed to be public markets public slaughterhouses and public cart stands respectively and no public market shall be opened by a District Board without the previous sanction of the Govern ment (2) No person shall continue to keep open a market slaughterhouse public cart stand or public ferry established prior to the commencement of this Regulation unless he obtains from the District Board a license in writing to do so (3) Except as provided in sub section (2) no person shall after the commencement of this Regulation open or keep open a market slaughterhouse public cart stand or public ferry (4) No person shall sell or expose for sale any article or animal in any unlicensed market	Markets, slaughter-houses and cart-stands. (2) Public ferries should also be in cluded in this sub clause So far as cart stands and ferries go there is no reason why they should be licensed if they are kept for private use When they are public and fees are charged they should be licensed Necessary changes have been made The word "private" is omitted in several places as it conveys no clear meaning
56 (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the Dis trict Board but when a license is refused the person aggriev ed by his order shall have the right of appeal to the District Board whose decision shall be final (2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed and it shall be lawful for the President to suspend a license granted for default of any of the conditions subject to which it was issued (3) Whoever keeps open or uses without a license or during the suspension of a license any place for any purpose for which a license is required under this Regulation shall be punished with fine which may extend to 50 rupees and with further fine which may extend to 10 rupees for every day on which such use is continued after the date of first conviction	56 (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the Dis trict Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given When a license is granted refused suspended or cancel led by the President any person aggrieved by his order shall have the right of appeal to the District Board (2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescrib ed (3) Whoever keeps open or uses without a license or after a license is suspended or cancelled any place for any pur pose for which a license is required under this Regulation shall be punished on conviction by a Magistrate with fine which may extend to one hundred rupees He may also be punished with further fine which may extend to twenty five rupees for every day on which such act is continued after the date of conviction or any subsequent date as may be fixed by the Magistrate.	License There may be cases where the fine inflicted may not act as a deterrent The profits realised by continuing to use a place without a license may be more than the fine Hence the limits of the fine are increased to Rs 100 and Rs 25 The Magistrate should have the discretion to allow some time to the party to discontinue using the place in cases where it is not possible to stop the use at

57 (1) The District Board may from time to time with the sanction of the Government make bye laws and cancel or alter the same so as not to be repugnant to any law in force —	57 (1) The District Board may from time to time and subject to such rules as may be prescribed by Government in this behalf and the with sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force — District Board's power to make bye laws.	The necessary formalities such as notice publication of bye laws etc to be observed before framing of bye laws have not been indicated This omission is rectified by giving power to Government to frame rules in this behalf Verbal changes calling for no remarks
(a) for the general or special regulation inspection control of musafirkhanas travellers bungalows rest houses cart stands markets slaughterhouses hotels bakeries sweet meat shops all other places used for the sale of articles intended for human food or drink all places used by or for animals which are for sale or for hire or the produce of which is sold all the places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared kept or sold or to minimise any injurious offensive or dangerous effects arising or likely to arise therefrom	(a) for the general or special regulation inspection control of musafirkhanas travellers bungalows rest houses cart stands markets slaughterhouses hotels bakeries sweetmeat shops all other places used for the sale of articles intended for human food or drink all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared kept or sold or to minimise any injurious offensive or dangerous effects arising or likely to arise therefrom	
57 (1) (b) (ii) for empowering the President or any other person authorised by him to enter and inspect any building or land and to require that it shall be kept in a proper state for sanitary reasons	57 (1) (b) (ii) for empowering the President or any person authorised by the Board to enter and inspect any building or land and to require that it shall be kept in a sanitary condition	The Board should have the power to authorise any person to enter and inspect and not the President The other change is merely verbal
57 (1) (c) (iii) for setting apart with the consent of the owner in the case of private sources of water supply and of the Government in the case of those under the control of the Government for a specified purpose springs tanks wells water courses and other places and prohibiting the use of such courses for any any other purpose or purposes	57 (1) (c) (iii) for setting apart with the consent of the owner in the case of private sources of water supply and of the Government in the case of those under the control of the Government for a specified purpose springs tanks wells water courses and other places and prohibiting their use for any other purpose or purposes	Verbal change calling for no remarks
57 (1) (e) (ii) for prohibiting the use of any source of water-supply whether private or public during the epidemics	57 (1) (e (ii) for prohibiting the use of any source of water supply whether private or public during epidemics	Calls for no remarks
57 (1) (e) (iii) providing for the inspection of persons travelling by railway or otherwise and the segregation in hospital temporary accommodation or otherwise of persons suspected of being infected with any epidemic disease or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof	57 (1) (e) (iii) providing for the inspection of persons travelling by railway or otherwise and the segregation in a hospital or any other place set apart for the purpose of persons suspected of being infected with any epidemic disease or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof	Verbal changes to make the meaning clear
57 (1) (e) (iv) for empowering the President or any person duly appointed by him to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist to require the owner or occupier of	57 (1) (e) (iv) for empowering the President or any person duly appointed by the Board to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist to require the owner or occupier of such	The Board should have the power and not the President

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
such building or premises to cleanse or disinfect the same or in immediate or necessary cases to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases	building or premises to cleanse or disinfect the same or where immediate action is necessary to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases	Verbal change.
57 (1) (e) (v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases to be washed or disinfected at places notified by the District Board and destroying such articles as are likely to retain infection and paying compensation for articles so destroyed	57 (1) (e) (v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board and for destroying such articles as are likely to retain infection and paying compensation for articles so destroyed	Verbal change
57 (1) (f) for regulating the use of public roads and the traffic thereon and for securing cleanliness safety and order in respect of the same	57 (1) (f) for regulating the use of public roads and the traffic thereon for the temporary occupation or use of public roads and lands vested in the Board and for securing cleanliness safety and order in respect of the same	There is no power to make bye laws for the temporary occupation or use of roads and lands vested in the Board under clause 51. This is rectified
57 (1) (g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licenses or permissions under this Regulation may be granted refused suspended or withdrawn and fixing the fees payable in respect of licenses or permissions and the rents fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the District Board	57 (1) (g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any license or permission under this Regulation may be granted refused suspended or withdrawn and fixing the fees payable in respect of such permission and the rents fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the District Board	Verbal changes. Licenses are counted as fees for licenses are already prescribed under clause 56
57 (1) (h) for providing for—	57 (1) (h) for providing for—	
(i) the establishment of public ferries and their management	(i) the establishment of public ferries and their management	
(ii) the issue of permissions for plying ferry boats the conditions on or subject to which such permissions may be granted and the fees payable in respect of such permissions	(ii) the issue of permission for plying ferry boats the conditions or subject to which such permission may be granted the fees payable in respect of such permission	
(iii) the rates of fees that may be levied on passengers vehicles animals goods or the loads that may be carried in any public ferry boat at one trip	(iii) the rates of fees that may be levied on passengers vehicles animals goods or the loads that may be carried in any public ferry or boat	
(iv) the safe speedy and convenient carriage and landing of passengers and property	(iv) the safe speedy and convenient carriage and landing of passengers and property	
(v) the maintenance of ferry boats in good order and the employment of competent men for rowing them;	(v) the maintenance of ferry boats in good order and the employment of competent men for working them;	
(vi) the inspection of the ferries and the ferry boats and	(vi) the inspection of the ferries and the ferry boats and	

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry

Nil

Nil

58. A District Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund

° ° °

60. (a) Compound any offence against this Regulation or against any bye-law made thereunder

Nil

62. (2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Governement in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment with like sanction or dispose of such securities with the like sanction.

65 Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation, be made within the area subject to its authority only but may with the sanction of the Government be made outside that area for any of the purposes mentioned in this Regulation

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry, and

57 (1) (i) generally for carrying out the purposes of this Regulation

57 (2) Any person infringing any bye-laws made under this Regulation shall, on conviction before a Magistrate, be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board

58. A District Board or any Officer or Committe of the Board authorised by the Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalty, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund

District Board may prosecute.

° ° °

60 (1) (a) Compound any offence against this Regulation or any bye-law made thereunder which under any enactment for the time being in force, may lawfully be compounded

60. (2) Sums paid by way of composition under this section shall be credited to the District fund

62. (2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time, approve in this behalf and vary such investment or dispose of such securities with the like sanction.

65 Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation be made within the area subject to its authority only but may, with the sanction of Government, be made outside that area for any of the purposes mentioned in this Regulation.

District Fund where to be expended.

But nothing herein contained shall be deemed to require the

A general power to make bye-laws is necessary Hence the addition

This is another omission in clause 57 which is rectified Otherwise bye-laws may be infringed with impunity

Any Officer or Committee empowered by the Board may be authorised to order prosecution. It will be inconvenient in practice otherwise.

Certain offences may not be compoundable. Hence the addition.

Calls for no remarks.

The words ' with like sanction are omitted as redundant.

District Boards Bill—*contd*

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges (*a*) for audit of accounts of the District Boards (*b*) for maintenance and treatment of persons undergoing anti rabic treatment at rates approved by the Government (*c*) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government	special sanction of the Government for payment of the following charges — (*a*) for audit of accounts of the District Boards (*b*) for the payment of travelling allowances of persons under going anti rabic treatment at rates approved by the Government (*c*) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government in conformity with the provisions of this Regulation	District Boards pay only the travelling allowance and now hence the change The last eight words are added to safeguard the interests of the Boards Expenses which are not contemplated by the Regulation may otherwise fall on them
66 (4) Exemptions from payment of tolls shall be regulated by the rules to be prescribed by the Government in this behalf	66 (5) Exemptions from payment of tolls shall be regulated by the rules prescribed by the Government in this behalf	No remarks
66 (5) No more than one payment of toll shall be demanded at any toll gate station or bridge in respect of any carts carriages vehicles or animals in any one period of 24 hours counted from sunrise to sunrise provided that when toll has been paid at any toll gate station or bridge in respect of any carts carriages vehicles or animals not laden or unridden the difference between such tolls and the tolls payable in respect of such carts carriages vehicles or animals laden or ridden shall be payable if such carts carriages vehicles or animals again pass through such toll gate station or bridge laden or ridden within such period	66 (5) No more than one payment of toll shall be demanded at any toll gate station or bridge in the District in respect of any carts carriages vehicles or animal in any one period of 24 hours counted from sunrise to sunrise provided that when toll has been paid at any toll gate station or bridge in respect of any carts carriages vehicles or animals not laden or ridden the difference between such tolls and the tolls payable in respect of such carts carriages vehicles or animals laden or ridden shall be payable if such carts carriages vehicles or animals again pass through such toll gate station or bridge laden or ridden within such period	Exemption from payment of toll a second time within 24 hours should be confined to the District in which the first payment has been made unridden is wrong It should be ridden
66 (8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road or bridge or whoever duly authorised to collect tolls demands more than the rates authorised shall be liable on conviction before a Magistrate to a fine not exceeding Rs 200 or to simple or rigorous imprisonment not exceeding six calendar months	66 (8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road or bridge or who ever duly authorised to collect tolls demands or levies more than the rates authorised, shall be liable on conviction before a Magistrate to a fine not exceeding Rs 200 or to simple or rigorous imprisonment not exceeding six months	The insertion of the word levies after demands appears to be necessary to cover all cases Months means Calendar months as defined in the General clauses Regulation Hence the word calendar is omitted.
66 (9) In the case of the non payment of any toll on dal authorised the same ma	66 (9) If a person refuses to pay any toll on demand and through a toll gate or station the person duly authorised the same	Power of District to By the charge it is made clear that it is only after a person passes through a toll that his goods, can be

may levy with the sanction of the Government and subject to such rules as may be framed by the Government in this behalf a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and railways	68 The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and railways or for guaranteeing the payment of interest on capital expended on any railway tramway or other works which may directly improve the means of communications within the District or between the District and other Districts	Power of District Board to levy Railway cess The addition is necessary The District Board may not be in a position to take up the work itself In such cases it may guarantee out of the cess the interest on capital to Government or any Company offering to construct a line
70 Subject to the bye laws made in this behalf a District Board may charge fees for permissions issued under this Regulation and levy rents and fees for the occupation or use of any road land or other property placed under its control or vested in it or maintained out of the District Fund	70 Subject to the bye laws made in this behalf a District Board may charge fees for any permission issued under this Regulation and levy rents and fees for the occupation or use of any road land or other property placed under its control or vested in it or maintained out of the District Fund	Rents and Fees. No remarks
71 The local cess the railway cess and the education cess shall be adjusted or collected by the Departmental Government Officers or establishments concerned along with the principal items of revenue on which the cess is leviable All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government provided it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided under Chapter VII	71 The local cess the railway cess and the education cess shall be collected by the Departmental Government Officers or establishments concerned along with the principal items of revenue on which the cess is leviable All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of Government provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided under Chapter VII	Agency for Collection. The word adjusted is not necessary It is omitted
72 It shall be lawful for a District Board with the previous sanction of Government and subject to the conditions imposed by it from time to time to raise loans for constructing a railway or tramway or for the execution of any approved work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans	72 It shall be lawful for a District Board with the previous sanction of Government and subject to the conditions imposed by it from time to time to raise loans for constructing a Railway or tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation and form a sinking fund for the repayment of such loan	District Board may raise loans and may make sinking fund As sanction of Government is obtained previously for any work the use of the word approved in connection with the work to be undertaken is not necessary
73 Subject to the rules that may be made by the Government from time to time a District Board may grant loans from the District Fund to encourage local arts and industries and to recover the same in the manner provided in Chaper VII	73 Subject to the rules that may be made by the Government from time to time a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter VII	Grant of loans to encourage local arts and industries No remarks
74 (1) Subject to the previous sanction of the Government a District Board may make grants in aid to any medical institution or school within or without the area under its authority whether it be under public or private management	74 (1) Subject to the previous sanction of the Government a District Board may make grants in aid to any medical educational or charitable institutions or any other institution of public utility within or without the area under its authority whether it be under public or private management	Contributions to expenditure incurred by the Government or the local authorities and power to make grant in aid. Charitable institutions and other institutions of public utility are also included

District Boards Bill— *ontd*

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
74 (2) The Government may require a District Board to contribute towards the expenditure incurred by it or any other District Board Municipal Council or Village Panchayet, for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board	74 (2) The Government may require a District Board to contribute towards the expenditure incurred by it for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board	As the expenditure is incurred under the orders of Government it is unnecessary to mention the various agents that may be employed for incurring the expenditure or carrying out the work
75 When a District Board has entered into any arrangement or made any promise purporting to bind itself or its successors for a term of years or for an unlimited period to continue to any institution a yearly contribution from its property or from the District Fund it shall be lawful for the District Board or its successors with the sanction of Government to cancel such arrangement or promise or to discontinue or to diminish such contribution provided that it shall have given at least six months notice of its intention so to do to the manager or managers of such institution	75 When a District Board has entered into any arrangement or made any promise purporting to bind itself or its successors for a term of years or for an unlimited period to continue to any institution a yearly contribution from its property or from the District Fund it shall be lawful for the District Board or its successors with the sanction of Government to cancel such arrangement or promise or to discontinue or to diminish such contribution provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution	Arrangements purporting to be binding permanently or for a term of years The period of notice is raised to one year so that the institution which may have committed itself to expenditure in expectation of the continuance of the grant from the District Board may have sufficient time to readjust its finances
76 (3) The District Board shall on or before the prescribed day cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner who shall submit the same to the Government with his remarks if any and it shall be competent to the Government to sanction the estimate with such modification if any as it deems fit	76 (3) The District Board shall on or before the prescribed day cause a copy of the estimate as approved by it to be sent to Government through the Deputy Commissioner who shall forward a copy of his remarks, if any to the District Board and it shall be competent to the Government to sanction the estimate with such modification if any as it deems fit	This is in consonance with the changes made before A copy of the remarks should be sent to the Board in order that the Board may answer any points raised by the Deputy Commissioner, before final orders are passed by Government
Provided that the District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.	(4) The District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget	This is not a proviso It is made a sub clause
Nil	(5) No expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates without the previous sanction of the Government obtained on one or more supplemental estimates	The addition is obviously necessary
77 Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year in such form as the Government from time to time prescribes and shall be examined and audited as soon as may be after the end of each official year by [illegible] as [illegible] this behalf	77 Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year in such form as the Government may from time to time prescribe, and shall be examined and audited as soon as [illegible] after the end of each official y by such as the in	Annual Accounts and Audit Verbal changes calling for no remarks

its income under each head of receipts the charges for establishment the works undertaken the sums expended on each work and the balance if any, of the fund remaining unspent shall be prepared by the District Board and submitted to the Government	An abstract of every annual account of a District Board showing its income under each head of receipts the charges for establishment the works undertaken the sums expended on each work and its assets and liabilities shall be prepared by the District Board and submitted to the Government.	The change to the assets and liabilities of the Board, in the abstract to be sent up to Government
80 (1) When any sum not being a toll payable on demand—	80 (1) When any sum not being a toll payable on demand—	
* * * *	* * * *	
(b) which is claimable as a fee cess or other due under this Regulation or any rule or bye law thereunder shall have become due and remain unpaid ten days after the same is due the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum a notice in writing in a form to be prescribed by the rules famed in this behalf	(b) which is claimable as a fee cess or other due under this Regulation or any rule or bye law thereunder shall have become payable and remain unpaid ten days after the same is due the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum a notice in writing in a form to be prescribed by the rules framed in this behalf	Payable is a better word than due in this clause because of the use of the word due already in the clause
82 The President or other person duly authorised as aforesaid shall make an inventory of the property distrained and if the amount due is not paid within fifteen days after distraint the property may be sold	82 The President or other person duly authorised as aforesaid shall make an inventory of the property distrained a copy of which shall on demand be delivered to the defaulter or any person on his behalf and if the amount due is not paid within fifteen days after distraint the property may be sold	There should be provision for a copy of the list of properties distrained being given to the party or his agent to prevent risk of fraud etc These is such a provision in the Code of Criminal Procedure
Nil	84 (5) If any claim shall be set up by a third person to movable property distrained under the provisions of this chapter the President shall admit or reject the claim on a summary enquiry held after reasonable notice If the claim be admitted wholly or partly the property shall be dealt with accordingly Except in so far as it is admitted the property shall be sold and the title of the purchaser shall be good for all purposes and the proceeds shall be disposable as hereinbefore directed Provided that nothing in this sub section shall be deemed to bar the claimant or any person having any interest in the property distrained from seeking relief in a Civil Court having jurisdiction	Provision for the entertainment of claims against properties distrained is inserted on the analogy of Section 192 of the Land Revenue Code The party's right of suit in a Civil Court is not to be affected
87 (1) Any District Board may with the sanction of the Government appoint a Chief Officer and a Health Officer and an Engineering or any one or more of such officers or appoint one person whether temporarily or permanently to discharge the duties of any two or of all such officers and pay such salaries to them as the Government having regard to the financial condition of the District Board may direct	87 (1) Any District Board may with the sanction of the Government appoint a Chief Officer a Health Officer and an Engineer or any one or more of such officer or appoint one person whether temporarily or permanently to discharge the duties of any two or of all such officers and pay such salaries to him or them as the Government having regard to the financial condition of the District Board may direct	Verbal changes calling for no remarks

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
(2) No such officer shall be removable from office except with the previous sanction of the Government	(2) Subject to such rules if any as may be framed by the Government from time to time all such officers of the District Board shall be subordinate to the District Board No such officer shall be removable from office except with the previous sanction of the Government	It is made clear that officers appointed under sub section (1) are subordinate to the District Board
(5) The Chief Officer may with the permission of the President or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee make an explanation in regard to any subject under discussion at such meeting but shall not vote upon or make any proposition at such meeting	(5) The Chief Officer may with the permission of the President or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee make an explanation in regard to any subject under discussion at such meeting but shall not vote upon or move any proposition at such meeting	Calls for no remarks
90 The Government may by order in writing amend any proceedings or resolution of a District Board which it considers to be wrong or not in conformity with law and the rules or bye laws in force thereunder and may do all things necessary to secure such conformity	90 The Government may by order in writing amend any proceedings or resolution of a District Board which it considers to be not in conformity with the provisions of this Regulation and the rules or bye laws in force thereunder and may do all things necessary to secure such conformity	Government's power to amend proceedings of District Boards The words wrong or are omitted as the rest of the sentence is clear enough
91 The Deputy Commissioner of a District shall have power—	91 Subject to such rules as the Government may frame from time to time in this behalf the Deputy Commissioner of a District shall have power—	Inspection of offices of District Board
(*a*) to inspect the office of any District Board	(*a*) to inspect the office of the District Board or Boards in the District	
(*b*) to call for records of any District Board either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law	(*b*) to call for records of the District Board or Boards in the District either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass if he is satisfied that the order or proceeding of the District Board or its executive is wrong or contrary to law	Government should frame suitable rules for inspection by Deputy Commissioners and it is made clear that a Deputy Commissioner has power to inspect only the Board or Boards in his District
92 (1) The Deputy Commissioner of District shall have power to supervise the proceedings of the District Board on the several Committees in the District and in the exercise of that power may (among other things)—	92 The Deputy Commissioner of the District shall have power to supervise the proceedings of the District Board and of the several Committees in the District and in the exercise of that power may (among other things)—	Deputy Commissioner's power of supervision Verbal changes calling for no remarks
* * * *	* * * *	
(*b*) call for and inspect any document which may be for the purposes of this Regulation in the possession or under the control of the District Board or a Committee and	(*b*) call for and inspect for the purposes of this Regulation any document which may be in the possession or under the control of the District Board or a Committee and	Recast so as to restrict the power of the Deputy Commissioner to call for documents when they are [illegible]
*	* * *	

ment a copy of the order with a statement of the reasons for making it and it shall be in the discretion of the Government to rescind the order or to direct that it continue to force with or without modification permanently or for such period as it thinks fit	under section es forthwith fo to the Governme a copy of the order with a statement of the reasons for making it and it shall be in the discretion of the Government after affording the Board reasonable opportunities for stating its case to rescind the order or to direct that it continue in force with or without modification permanently or for such period as it thinks fit	views of the before orders
94 (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work or the doing of any act which a District Board is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act with a reasonable remuneration to the person appointed to execute or to do it shall be forthwith paid by the District Board	94 (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work or the doing of any act which a District Board is empowered to execute or do under sub section (1) of section 45 and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act with a reasonable remuneration to the person appointed to execute or to do it shall be forthwith paid by the District Board	Extraordinary powers of Deputy Commissioner in cases of emergency The extraordinary powers of the Deputy Commissioner are restricted to such works and acts as fall under the *obligatory* duties of the Board
* *		
(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section	(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section and on receiving such report the Government may pass such order as it deems fit	The addition calls for no remarks
97 If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils the matter shall be referred to the Government whose decision shall be final and binding	97 If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils the matter shall be referred to the Government whose decision shall be final	Dispute The last two words of the clause are omitted as unnecessary
Clause 103—Proviso	*Clause 103—Proviso*	
Provided that no person shall be convicted under this section by reason only of such person	Provided that no person shall be convicted under this section by reason only of such person	
(a) having a share in any Joint Stock Company or a share or interest in any society registered or deemed to be registered under the Mysore Co operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board or	(a) having a share in any Joint Stock Company or a share or interest in any lit any association registered under the Societies Registration Regulation 1904 or in any society registered under the Mysore Co operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board or	*Vide* clause 11 for the reason
105 No action shall be brought against any District Board or any of its officers or any person acting under its direction for anything done or purporting to be done under this Regulation until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person explicitly noting the cause of action and the name and the place of abode of the intended plaintiff	105 No action shall be brought against any District Board or any of its officers or any person acting under its direction for anything done or purporting to be done under this Regulation until the expiration of two month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person such notice shall state the cause of action the relief sought the amount of compensation if any claimed and the name and the place of abode of the intending plaintiff provided that in suit for the recovery of immovable property or for a declaration of title thereto details regarding the relief sought need not be given	Recovery of debts with respect to suits against District Board Notice of one month is not sufficient to come to a decision as to whether the suit may be compromised or defended The period is enhanced to two months Detail as regards relief sought amount claimed etc should find a place in the notice for the information of the Board When the suit is for recovery of immovable property or for a declaration of title thereto these details are not necessary

District Boards Bill *concld*

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Nil	107 (1) Whoever shall have built or set up or shall build or set up any wall or any fence rail post stall verandah platform plinth step or any projecting structure or thing or other encroachment or obstruction in any public street or shall deposit or cause to be placed or deposited any box bale package or merchandise or any other thing in such street or in or over or upon any open drain gutter sewer or aqueduct in such street shall on conviction by a Magistrate be punished with fine which may extend to Rs 25 (2) The District Board shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the manner provided in Chapter VII 108 It shall be competent to the Government to declare that any District Board established under the Mysore Local Boards and Village Panchayets Regulation 1918 and existing immediately prior to the commencement of this Regulation in the district shall be deemed to be a District Board established under this Regulation and exercise all the powers of a District Board under this Regulation until such date as the Government shall fix in this behalf The President Vice President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be deemed to have been appointed or elected under the provisions of this Regulation and their term of office shall expire on the aforesaid date fixed by the Government	Obstructions and encroachments on public streets and open spaces Transitory provision	A fresh clause is added for making obstructions on a public street etc offences and giving the District Board power to remove such obstructions The District Board has no such powers now This is another alternative to avoid an interregnum when the Regulation is introduced into a district Either elections may be held beforehand under proviso to sub clause 3 of clause 1 or the District Board continued till such date as the Government may fix During this period elections may be held
SCHEDULE I QUALIFICATIONS FOR VOTERS IN GENERAL CONSTITUENCY (See Section 9.) (1) A person shall be qualified as a voter in a general constituency who—	SCHEDULE I QUALIFICATIONS FOR VOTERS IN A GENERAL CONSTITUENCY (See Section 9) (1) A person shall be qualified as a voter in a general constituency who—	

(ii) is a Kadim tenant paying an annual rent of not less than Rs 25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied or	(ii) is a Kadim tenant assessed to an annual rent of not less than Rs 25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied or	Payment should not be the criterion If a man is assessed to not less than Rs 25 he should be eligible This is in accordance with the resolution accepted by the Government.
* * *	* * *	
(iii) pays annually a tax on buildings or shops of not less than Rs 5 in the constituency or	(iii) is assessed to an annual tax on buildings or shops of not less than Rs 5 in the constituency or	Do do
* * *	* * *	
(vii) pays income tax to the Government and resides in the constituency	(vii) is assessed to income tax to the Government and resides in the constituency	Do do.
SCHEDULE II	SCHEDULE II	
Purposes for which premises may not be used without a license	Purposes for which premises may not be used without a license	
(See Section 55)	(See Section 55)	
* * *	* * *	
(b) as a hotel bakery sweetmeat shop or for the sale of articles intended for human food or drink	(b) as a dairy hotel restaurant eating house coffee house sweetmeat shop bakery boarding house or lodging house (other than a student hostel under public or recognised control) or for manufacturing ice or aerated waters	It is desirable to specify the cases in which a license is necessary
(c) for any of the purposes mentioned hereunder—	(c) for any of the purposes mentioned hereunder	
* * *	* * *	
(3) for sorting hides horns or skins	(3) for storing hides horns skins or organic manure	sorting is a mistake for storing Organic manure is added to the list
* * *	* *	
SCHEDULE III	SCHEDULE III	
Maximum rates of tolls (See Section 66)	Maximum rates of tolls (See Section 66)	
Rs a p	Rs a p	
1 On every motor car 1 0 0	1 On every motor bus as defined in the Motor Vehicles Rules 2 0 0	The maximum rate of toll in the case of motor busses is inserted
	2 On every motor car 1 0 0	
* * *	* *	

OFFICE OF THE SECRETARY LEGISLATIVE COUNCIL BANGALORE

Notification No 3403 *dated* 12*th December* 1925

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Village Panchayet Bill is published for general information with the portions of the Bill as amended by them

By Order
R RANGA RAO
Secretary
Mysore Legislative Council

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE VILLAGE PANCHAYET BILL

We the members of the Select Committee appointed to consider the Village Panchayet Bill met and considered the Bill at 4 sittings The clauses in the Bill which in our opinion require changes the amendments proposed by us and the reasons therefor are noted below We recommend that the Bill as amended by us may be passed by the Council

(SD) M RAMACHANDRA RAO
B NAGAPPA
" C S BALASUNDARAM IYER
S HIRIANNAIYA
D H CHANDRASEKHARAIYA
" K P PUTTANNA CHETTY
H. CHENNAIYA
" MAHOMED ABBAS KHAN
" K. MATTHAN
" K. CHANDY (*Chairman*)

Village Panchayet Bill.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self Government in the rural areas of the State It is hereby enacted as follows —	Whereas it is expedient to make better provision for the administration of local affairs of villages by the inhabitants thereof It is hereby enacted as follows — (Preamble)	The words village affairs and villagers are replaced by local affairs of villages and inhabitants as more appropriate The words omitted are redundant
(1) This Regulation may be called the Mysore Village Panchayet Regulation 1925 (2) * * * (3) * * *	1 (1) This Regulation may be called the Mysore Village Panchayet Regulation (Short title) (2) * * * (3) * * *	The year will be entered when the Bill is passed
	Provided that it shall be lawful at any time after the passing of this Regulation to hold elections in any district or part of a district for the purpose of this Regulation in accordance with the rules framed thereunder but such elections shall not take effect till the commencement of this Regulation in that district or part of the district	This is to provide for elections before the Regulation is introduced in any area so that a Panchayet may be established as soon as the Regulation is brought into force in the area Otherwise there will be an interregrum
2 On and from the date on which this Regulation comes into force in any district or part of a district (a) the whole of the Mysore Village Sanitation Regulation 1898 and the Mysore Local Boards and Village Panchayets Regulation 1918 so far as it relates to Village Panchayets shall be repealed in such district or part of a district (b) but all rules made proceedings taken orders passed officers appointed powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made taken passed appointed conferred or created under this Regulation and all sums due on account of any tax cess fine or fee imposed by the enactments repealed shall unless remitted in whole or in part by the Deputy Commissioner be realised under the provisions of this Regulation (c) when in consequence of the repeal of the enactments referred to in sub section (a) any Panchayet ceases to exist the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine	2 (1) On and from the date on which this Regulation (Repeal) comes into force in any district or part of a district the whole of the Mysore Village Sanitation Regulation 1898 and the Mysore Local Boards and Village Panchayets Regulation 1918 so far as it relates to Village Panchayet shall be repealed in such district or part of a district Provided that all rules made proceedings taken orders passed officers appointed powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made taken passed appointed conferred or created under this Regulation (2) When in consequence of the repeal of the enactments referred to in sub section (1) any Panchayet ceases to exist the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine and all sums due on account of any tax cess fine or fee imposed by the enactments repealed shall unless remitted in whole or in part by the Deputy Commissioner be recovered under the provisions of this Regulation	The portion relating to recovery of dues in (b) should logically come after and form part of sub clause (c) This is also effected in the clause as recast Recovered is substituted for realised as being more correct

Village Panchayet Bill—*contd*

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
3 In this Regulation unless there is something repugnant in the subject or context (1) building includes a house shop warehouse workshop hut and shed (2) village forest means a forest constituted as such under the Mysore Forest Regulation (3) Panchayet means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation (4) Panchayetdar means a member of a Panchayet (5) Prescribed means prescribed by the rules made under this Regulation (6) Village means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation 1906 or the Jahgirs of Yelandur and Sringeri (7) District means any local area which for the purposes of the collection of land revenue shall have been placed for the time being under the charge of a Deputy Commissioner of a District (8) District Board means any Board constituted under the provision of the Mysore District Boards Regulation 1925 (9) Amildar includes a Deputy Amildar	3 In this Regulation unless there is something repugnant in the subject or context (1) Amildar includes a Deputy Amildar (2) Building includes a house shop warehouse work shop hut and shed (3) District means any local area which for the purposes of the collection of land revenue shall have been placed for the time being under the charge of a Deputy Commissioner of a District (4) District Board means any Board constituted under the provisions of the Mysore District Boards Regulation (5) Hamlet means a village the Village Panchayet of which consists of all the voters of the village as provided in Section 5 A (6) Panchayet means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation (7) Panchayetdar means a member of a Panchayet (8) Prescribed means prescribed by rules made under this Regulation (9) Taluk includes a sub taluk (10) Village means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes a Dakle village and an alienated village but does not include a local area constituted into a Municipality (11) Village Forest means a forest constituted as such under the Mysore Forest Regulation	Interpretation The definitions are arranged in alphabetical order Two more definitions are added and the definition of village is added to so as to include a dakle village The portion relating to a Sanitary Board and the Jahgirs in the definition of village is left out as the K G F Sanitary Board has no objection to the Regulation being applied to villages under its control and Government have power under sub clause (3) of clause to apply the Regulation to only such portion of a district as they deem fit
4 (1) In any district or part of a district to which this Regulation has been applied the Deputy Commissioner shall subject to such rules or orders as may be made by Government in this behalf establish a Panchayet for every village or group of adjacent villages and shall have power by a notification in the Official Gazette to vary as occasion may demand the grouping of villages * * * * *	4 (1) In any district or part of a district to which this Regulation has been applied the Deputy Commissioner shall subject to such rules or orders as may be made by Government in this behalf establish a Panchayet for every village or group of adjoining villages and shall have power, by a notification in the Official Gazette to vary as occasion may demand the grouping of villages * * * * *	Establishment and incorporation of Panchayet Adjacent is proposed to be replaced by adjoining as the correct word

[illegible] as the Deputy Commissioner may determine [illegible] common seal [illegible] shall by the [illegible] be sued Subject to any rules made by Government in this behalf, it shall also have power to acquire hold or transfer property, movable or immovable to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation	y shall be o y corporate by name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal and shall by the said name sue and be sued Subject to any rules made by Government in this behalf it shall also have power to acquire hold or transfer property movable or immovable whether within or without the limits of the area over which it has authority to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation	a a yet acquiring or holding property outside its limits subject as such acquisition is to the rules framed by the Government The clause is re cast accordingly This is in accordance with the corresponding provision in the District Boards Bill
5 (1) A Panchayet shall consist of such number of members not less than 5 and not more than 12 as the Government may fix in this behalf	5 (1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf St ength f th P h t d the l t n t f mb	(1) Fixing of the strength of a Panchayet or Panchayets need not come up to Government The Deputy Commissioner may fix the strength subject to rules framed by Government The minimum number for a Panchayet is raised to 7 as otherwise the quorum which is fixed at 5 in clause 17 will be equal to the total strength
(2) Where a Panchayet is constituted for more than one village the Deputy Commissioner shall determine the number of members to represent each such village	(2) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may as the Government may direct be— (i) either wholly elected by the residents of the village or villages or (ii) partly elected and partly nominated	Sub Clause (3) should precede sub clause (2) as it defines the constitution Residence in the village or group of villages is prescribed as a necessary qualification for members The words as the Government may direct ought to govern both paras (i) and (ii) and are inserted at the beginning of the sub-clause.
(3) The members of the Panchayet may be (i) either wholly elected by the residents of the village or (ii) partly elected and partly nominated as the Government may direct by a notification in this behalf		
* * *	* * *	
	(3) Where a Panchayet is constituted for more than one village the Deputy Commissioner shall determine the number of elected members to represent each such village	It is the elected element in each village that has to be determined by the Deputy Commissioner in order that every constituent village may have representation Nominations are intended chiefly to safeguard the interests of minorities not adequately represented by election
(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected may notwithstanding anything contained in this Regulation be filled up by nomination by the Deputy Commissioner and any person so nominated shall be deemed to be a duly elected member	(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected may notwithstanding anything contained in this Regulation be filled by nomination by the Deputy Commissioner and any person so nominated shall be deemed to be a member as if he had been duly elected	(5) The word qualified is unnecessary and required is a more appropriate word than full A nominated member cannot be an elected member but can only be treated as an elected member in regard to rights and privileges Hence the change

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Nil	5 A If two thirds of the number of voters in a village included within the limits of any Village Panchayet having juris diction over more than one Village elect to be included within the limits of any other Village Panchayet such village may with the consent of the latter Village Panchayet, be so included and after a period of not less than five years may similarly be includ ed in another Village Panchayet (2) If two thirds of the number of voters in any village included within the limits of any Village Panchayet elect to have their village constituted into a hamlet it may be so con stituted and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation (3) It shall be open to a hamlet by a vote of two thirds of its voters to become a constituent village of any Village Pan chayet with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a hamlet	As Village Panchayets are to have perpetual succession it is necessary to provide for changes that may be necessary in the course of time Provision is made to allow the inhabitants of a village the choice to get out of the jurisdiction of a Panchayet and be included in that of another This may become necessary for various causes Provision is also made to allow the inhabitants of a village to separate themselves and manage their own affairs In the Malnad particularly this may be a necessity A hamlet that has separated should also have power to rejoin a Village Panchayet with the con sent of the latter after the expiry of 5 years The changes are made in order to give effect to the wishes of the vil lagers from time to time and not too frequently
6 Every person who— (*a*) has completed 21 years of age (*b*) is a resident of the village or villages for which a Panchayet is to be established (*c*) was during the year immediately preceding the election of members of the Panchayet assessed to a tax of half a rupee or more on account of land revenue house tax shop tax or tax on vacant sites and hittals within the village and (*d*) is not subject to any of the disqualifications men tioned in Section 7 shall be entitled to vote at an election of members of the Panchayet. Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified	6 Every person who is a resident of a village and has completed twenty one years of age shall be entitled to vote at an election of members of the Panchayet of that village unless disqualified	As in Bombay and Madras every adult may be given the right to vote so long as he is a resident of the village Twenty one years is taken as the age of an adult rather than 25 which is adopted in Madras and Bombay Women will also be allowed to vote The right to vote can be exercised only when the person is not otherwise disqualified

(a) * * *	7 No person may vote— (a) * * *	Disqualifications of voters.
(b) * * *	(b) * * *	
(c) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month such sentence not having been reversed or the offence pardoned or	(c) who is convicted by a Criminal Court of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently reversed or the offence pardoned or	
(d) who applies to be adjudicated or is adjudicated a bankrupt or insolvent, or	(d) who is adjudicated an insolvent or	
(e) * * *	* * *	
	(e) Provided that the disqualificatoin—	
	(1) under clause (b) will cease to operate after the expiry of three years from the date of such removal	
	(2) under clause (c) will in the case of a person sentenced to a fine only or to imprisonment for a term not exceeding three months cease to operate after one year after the expiry of the sentence and in all other cases after three years after the expiry of the sentence	
	(3) under clause (e) will cease to operate after expiry of the period during which the person is ordered to furnish security	
10. Subject to such rules as may be made by Government in this behalf every Panchayet shall appoint a Secretary from among its members	10 Subject to such rules as may be made by the Government in this behalf every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed	Secretary of Panchayet

(d) and proviso

The Committee consider that in prescribing the period of disqualification both the nature of the offence and the actual punishment awarded should be taken into consideration and the period of disqualification for persons who suffer imprisonment for more than three months is therefore made longer than that for those who are sentenced only to a fine or imprisonment for not more than three months In the District Boards Bill the Select Committee propose to give Government the power to exempt at an earlier period than three years but as the number of cases likely to require exemption under a system of adult suffrage under the Village Panchayet Regulation might be very large a general rule is considered preferable to one involving reference to Government in each case

Only an adjudged insolvent should be disqualified and not one who merely applies for insolvency

The period during which security is ordered to be furnished should be the period of disqualification in this case

Appointment of a Secretary should be optional and his duties should be fixed

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
11 Except as is otherwise provided in this Regulation or in any other law for the time being in force members of Panchayets shall hold office for a term of three years extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years if on any occasion the Deputy Commissioner shall think fit for reasons which shall be notified together with the order in the official Gazette so to extend the same The term of office of a Chairman shall be co terminous with or be the residue of his term of office as a Panchayetdar	11 Except as is otherwise provided in this regulation members of Panchayets shall hold office for a term of three years which may be extended by order of the Deputy Commissioner to a term not exceeding in the aggregate four years if on any occasion the Deputy Commissioner thinks fit for reasons which shall be notified together with the order in the official Gazette so to extend the same The term of office of a Chairman shall be co terminous with or be the residue of his term of office as a Panchayetdar	Term of office of the chairman The words or in any other law for the time being in force are unnecessary and are therefore omitted thinks fit" is substituted for shall think fit" as more appropriate
13 The Deputy Commissioner may on the recommendation of a Panchayet remove any member elected or appointed under this Regulation after giving him an opportunity for being heard and after such enquiry as he deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or refuses to act or becomes incapable of acting	13 The Deputy Commissioner may on the recommendation of a Panchayet remove any member elected or appointed under this Regulation after giving him an opportunity of being heard and after such enquiry as he deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or refuses to act or becomes incapable of acting The order of the Deputy Commissioner shall be final	Removal of member As the removal is on the recommendation of a Panchayet and the member has opportunity of being heard the decision of the Deputy Commissioner should be final
14 The Deputy Commissioner shall remove a Chairman from his office for misconduct or neglect of or incapacity to perform his duty Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government	14 The Deputy Commissioner may remove a Chairman from his office for misconduct or neglect of or incapacity to perform his duty or for any disgraceful conduct after giving him an opportunity of being heard and after such enquiry as the Deputy Commissioner deems necessary An appeal shall lie to Government from the order of the Deputy Commissioner	Removal of Chairman Power to remove a Chairman should be discretionary and not obligatory The Chairman should be given an opportunity to state his case and if necessary an enquiry should be held The Chairman should be liable to be removed for disgraceful conduct also The clause re cast accordingly
16 When the office of a Chairman or Panchayetdar becomes vacant by his removal disqualification resignation or death a new Chairman or Panchayetdar shall be appointed elected or nominated as the case may be in accordance with the foregoing provisions and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred The Secretary shall be in charge of the office of the Chairman during a casual vacancy pending the appointment or election of a new Chairman	16 When the office of a Chairman or Panchayetdar becomes vacant by his removal disqualification resignation or death a new Chairman or Panchayetdar shall be appointed elected or nominated as the case may be in accordance with the foregoing provisions and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred The Secretary if any or any member selected by the Panchayet shall be in charge of the office of the Chairman during a casual vacancy and pending the appointment or election of a new Chairman	Filling of vacancy The addition made is necessary as the appointment of a Secretary only optional *vide* change proposed in clause 10
17 (1) A Panchayet shall meet for the transaction of business at such time and place and follow such procedure as	17 (1) A panchayet shall in the transaction of business follow such procedure as may be prescribed	Meetings of Panchayet Rules prescribing the time

[illegible]	for a meeting of the [illegible] shall be not less than one half of the whole number of members of the Panchayet and shall not be less than five in any case provided that in the case of a hamlet, it shall be a bare majority of the voters in the hamlet	Quorum
Nil	(3) Except as otherwise provided all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting	Questions to be generally decided by majority of votes
(2) * * *	(4) * * *	
(3) * * *	(5) * * *	
19. It shall be the duty of a panchayet within the limits of the fund at its disposal to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters —	19 It shall be the duty of a Panchayet within the limits of the fund at its disposal to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters —	Obligatory duties
(i) construction repair and maintenance of village roads including cart-tracks culverts and bridges	(i) construction repair and maintenance of village roads including cart tracks culverts and bridges but not including those under the control of any other local body or of Government	The roads and bridges which a Panchayet should be in charge of are defined
* * * *	* * *	
(iv) Extension of village sites and regulation of buildings	(iv) Regulation of buildings	Extension of village sites " is brought under the optional duties of Panchayets
* * *	* * *	
Nil	(xii) Supply of water for domestic use	This item is brought under the obligatory duties of Panchayets
20 Subject to such rules as may be prescribed in this behalf the Panchayet may within the limits of the fund at its disposal make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters —	20 Subject to such rules as may be prescribed in this behalf the Panchayet may within the limits of the fund at its disposal make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters —	Discretionary duties
(i) Supply of water for domestic use	(i) Omitted	*Vide* clause 19 Brought under obligatory duties
(ii) Enforcement of vaccination	(ii) Omitted	This is the duty of the District Board and hence omitted
Nil	(iv) Extension of village sites	*Vide* clause 19 Treated as optional duty
(vi) Excavation and maintenance of ponds for animals	* * * (v) Excavation and maintenance of ponds for the supply of water to animals	The addition calls for no remark
(ix) Taking measures for the economic improvement of the area in matters of education agriculture, rural industries and trade and	* * * (viii) Development of education agriculture, co operation rural industries and trade and	Development is an appropriate word There can be no *economic* improvement of education and like matters and hence the change Co operation is also included
* * * *	* * *	

Questions are to be decided by majority of votes This matter may be left to rules as also the quorum for meetings Hence the addition of two more sub-clauses after sub-clause (1).

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
21 The Government may subject to such limitations and conditions as may be imposed in this behalf transfer to any Panchayet the management protection and maintenance of village forests whether reserved for fuel and fodder or for other purposes	21 The Government may subject to such limitations and conditions as may be imposed in this behalf transfer to any Panchayet the management and control of grazing in hulbanni and gomal lands and the management protection and maintenance of Village Forests whether reserved for fuel and fodder or for other purposes	Power is taken to transfer control over grazing in hulbanni and gomal lands if found desirable
22 The Government may subject to such limitations and conditions as may be imposed in this behalf empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation 1911 may exercise and discharge	22 The Government may subject to such limitations and conditions as may be imposed in this behalf empower any Panchayet to exercise all the powers and discharge all the functions of a Panchayet constituted under the Tank Panchayet Regulation 1911, notwithstanding anything contained in Section 3 of that Regulation	A Tank Panchayet is constituted in a special manner under Section 3 of the Tank Panchayet Regulation The powers and functions of a Tank Panchayet may be delegated to a Village Panchayet notwithstanding the provisions of the said section This is to avoid each case coming up to Government for approval General rules may be framed by Government leaving the terms etc to the bodies concerned
23 Subject to the approval of the Government any District Board, the Deputy Commissioner or any private person or body of persons may with the consent of a Panchayet make over to it subject to such conditions as may be agreed upon the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control	23 Subject to such rules as may be prescribed by the Government, any District Board the Deputy Commissioner or any private person or body of persons may with the consent of a Panchayet and subject to such conditions as may be agreed upon make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control	No rules are needed for the transfer of the management of muzrai institutions or supervision over schools The transfer may be effected by an order of Government. Rules may be necessary as regards the directions to be observed during management or supervision The clause is modified accordingly
24 The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to such rules or orders as may be passed from time to time	24 The Government may by a general or special order entrust the management of minor Muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet and prescribe such rules as may be necessary for their management and supervision	It is desirable to provide for the appointment of Committees to perform certain functions The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work
26 A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it and in particular and without prejudice to the foregoing power to exercise the powers specified in Sections 27 28 29 30 31 and 32	26 A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it and in particular and without prejudice to the foregoing power to exercise the powers specified in Sections 27 28, 29 30 31 and 32 Provided that the Panchayet may appoint committees to perform any of these functions	General power
27 The Panchayet *** and may — * * (a) lay out and make new roads (b) construct new bridges (c) divert discontinue or close any road or bridge (d) * *	27 The Panchayet * * * and may — (a) lay out and make new roads (b) construct new bridges (c) widen, open, enlarge, or otherwise alter (d)	A fresh sub clause re widening enlarging etc of roads and bridges is added a provision exists in the Madras

28 (1) Subject to such rules as may be prescribed by the Government in this behalf no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application	28 (1) Subject to such rules as may be prescribed no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application	"Prescribed" is defined in the Regulation Hence the words omitted are redundant There is no indication as to when and on what grounds permission to build can be refused It is made clear that permission can be refused only if the site is unsuited for building on sanitary grounds
30 (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction — (a) the Panchayet shall have power to (i) construct alter or remove public drains (ii) establish burning ghats and burial grounds and (iii) effect such other improvements as are necessary to improve the sanitary condition of the area (b) The Panchayet may by a written notice require within a reasonable period to be specified therein	30 (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction a Panchayet may, by a written notice require within a reasonable period to be specified therein —	The whole para (a) of sub clause (1) is omitted Clause 26 in conjunction with clause 19 provides for these matters
* * *	* * *	
(2) If any work required by a notice under clause (b) of sub section (1) is not executed within the period specified in the notice the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub section (1 as if it were a tax imposed under Section 36	(2) If any work required by a notice under sub section (1) is not executed within the period specified in the notice the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub section (1) as if it were a tax imposed under Section 35	Consequential changes Section 36 is not the correct section It ought to be Section 35"
31 (3) The Panchayet may by order published at such places as it may think fit prohibit all bathing washing of clothes and animals or other acts calculated to pollute the water of any tank, well stream or water course set apart for drinking or culinary purposes under sub section (2)	31 (3) The Panchayet may by order published at such places as it may think fit prohibit (a) all bathing washing of clothes and animals or other acts calculated to pollute the water of any tank well stream or water course set apart for drinking or culinary purposes under sub section (2) and (b) during epidemic the use of any source of water supply for drinking or culinary purpose or for the washing of clothes	The existing sub clause only provides against pollution of water It is necessary to provide for cases where there may not be pollution but there may be fear of infection or of spread of infection Sub clause (b) is therefore added
33 Subject to such rules as may be framed by the Government in this behalf every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay allowances gratuities pensions and contributions as the Government may direct	33 Subject to such rules as may be framed by the Government in this behalf every Panchayet shall employ such officers and servants and shall assign to them such pay allowances gratuities pensions and contributions as may be necessary	As appointments are subject to rules framed by Government reference to Government in the latter portions of the clause is omitted

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
34 (1) All sums realised as taxes fees cesses fines or costs under this regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act 1871 as amended by Regulation VIII of 1892 all sums of revenue assigned to the Pancheyets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons and any contribution from a District Board or the Government shall be paid into a fund to be called the Panchayet Fund the accounts of which shall be kept in the manner prescribed	34 (1) All sums realised as taxes, fees cesses, fines or costs under this Regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act 1871 as amended by Regulation VIII of 1892 all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons and any contribution from a District Board or the Government shall be paid into a fund to be called the Panchayet Fund	Pan hay t fund nd t applicati n and nve tment The last 11 words are omitted and provision for maintaining accounts is made in clause 40 which is the proper clause
Nil	(2) The Government may by general or special order assign any specified revenue or make any grant to the Panchayet fund	A new sub clause is added as the Committee consider it desirable to have a provision for the assignment of revenue or the making of grants by Government
(2) The Panchayet Fund shall be administered * * (3) The Panchayet Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co operative Society A Panchayet may from time to time with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government	(3) The Panchayet Fund shall be administered * * (4) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co operative Society or Bank approved by the Deputy Commissioner or in such manner as may be prescribed A Panchayet may from time to time with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government	Invested would mean that the money may not be withdrawn whenever necessary So it is proposed to be replaced by lodged The Panchayets may also be empowered to deposit money in any Bank approved by the Deputy Commissioner or in any other prescribed manner The clause is recast accordingly
35 In every village a tax on houses shops vacant sites and hittals shall be levied subject to such rules and not exceeding such rates as shall be prescribed Provided that it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals with the previous sanction of the Government	35 (1) Every Panchayet shall levy in the manner prescribed a tax on all houses, shops or places of trade or business, vacant sites hittals and carts in the village or villages within its jurisdiction (2) The rates of such tax s shall not exceed the maxima that may be prescribed (3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be [illegible] behalf	Obligato y taxes Shops do not include places where any profession or similar business is carried on Tax on carts is one of the items of Mohatarfa now collected and its omission perhaps is accidental The clause is recast to include both the items Calls for no remarks as there is no change in the sense It is not necessary that each individual case for exemption should come up to Government Exemptions may be made subject to the rules prescribed.
36	36 (1) * *	

than of members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax cess rate or fee is leviable commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals for such period of time and under such conditions as may be prescribed in this behalf	such tax rate or fee is agreed to by not less than two thirds of the members constituting the Panchayet Provided also that the Panchayet may with the consent of the person from whom such tax cess rate or fee is leviable commute the payment into a contribution of labour not exceeding 18 days labour in a year at such intervals for such period of time and under such conditions as may be prescribed in this behalf (2) Any such tax cess rate or fee may be cancelled with the previous sanction of the Government	The words of such cess are omitted as commutation of payment into labour is to be permitted in the case of all taxes rates and fees leviable under this clause Provision for cancellation of a tax etc is necessary
Nil	36 A (1) If at any time in the opinion of the Deputy Commissioner the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19 the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such an amount as may be considered necessary If the Panchayet fails to take adequate steps to increase its income to the required amount the Deputy Commissioner may require it to increase the rate of taxes imposed under Section 35 Provided that in no circumstances shall the Deputy Commissioner have power to require the rates of taxes to be increased beyond the maxima prescribed (2) An appeal shall lie to Government from an order of the Deputy Commissioner under this section	Panchayets have not certain obligatory duties to perform under clause 19 They have discretion subject to the maxima to be prescribed by Government to fix whatever rate they choose They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory To avoid an intentional attempt in this direction a new clause is added Such additional taxation should be imposed only under the orders of the Deputy Commissioner of the District and an appeal may lie to Government This gives the Village Panchayet the maxima of autonomy consistent with the safety of the people
37 No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in accordance with the rules made under this Regulation	37 Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation	The clause is recast so as to put the idea in the positive form
38 (1) * * * (2) The procedure to be followed prior to and during distraint and sale the properties to be exempted from distraint and the disposal of surplus proceeds etc shall be in accordance with the rules framed in this behalf	38 (1) (2) The procedure to be followed prior to and during distraint and sale the properties to be exempted from distraint and the disposal of surplus proceeds etc shall be in accordance with the rules framed in this behalf	The order of sub clauses (2) and (3) is reversed as being more logical
(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub section (1) the Amildar shall recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub section (1)	(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub section (1) the Amildar may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub section (1) (3) The procedure to be followed prior to and during distraint and sale the properties to be exempted from distraint and the disposal of surplus proceeds etc shall be in accordance with the rules framed in this behalf	

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
(4) If the taxes or other dues cannot be recovered under sub sections (1) and (3) the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf may recover the same as an arrear of land revenue on receipt of a statement of account certified by a Chairman or an Amildar and after holding such enquiry if any as he thinks fit	(4) If the taxes or other dues cannot be recovered under sub sections (1) and (2) a statement of account shall be prepared by the Amildar and such statement when certified by the Deputy Commissioner shall be conclusive evidence of the existence of the arrear of the amount due and of the person who is the defaulter On receipt of such certified statement it shall be lawful for the Deputy Commissioner of any District to recover the dues as an arrear of land revenue as if the demand arose in his own district	As dues arising in one district may have to be recovered in another district the dues should be certified by the Deputy Commissioner as in the Land Revenue Code
(5) * * *	(5) * * *	
	(6) No proceedings shall be taken under sub section (4) and no suit shall be instituted under sub section (5) more than 3 years after the amount became due	A period of three years is fixed for the institution of a suit for the recovery of dues or for their recovery as an arrear of land revenue
39 (1) Every Panchayet shall submit annually to the Amildar having jurisdiction on or before such date as may be prescribed a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings	39 (1) Subject to such rules as may be prescribed every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Amildar having jurisdiction	Verbal changes calling for no remarks Submission of a report of the proceedings of Panchayets need not be provided for by Regulation
(2) * * * *	(2) * * * *	
(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner	(3) No expenditure which is not provided for in the budget as passed by the Amildar shall be incurred without the previous sanction of the Amildar	Verbal changes Passed is the word used in the previous sub clause, and includes cases in which the budgets are not returned by the Amildar within a month
40 Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government may from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf	40 Accounts of all the receipts and expenditure of every Panchayet shall be maintained and made up to the last day of every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf	*Vide* clause 34 Provision for the maintenance of accounts is added
41 The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the district	41 The Deputy Commissioner of the District shall be the chief controlling authority in respect of all matters relating to the administration of Panchayets in the district	Calls for no remark
42 The Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk	42 Subject to the general control of the Deputy Commissioner of the District the Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk those specified in Sections 4, 5 36A 45 52 and 55	The Assistant Commissioner cannot exercise all the powers of a Deputy Commissioner Certain sections are excluded from the operation of this clause and the Assistant Commissioner, even when exercising of

45 The Deputy Commissioner may by order in writing require any Panchayet in his district to perform any duty—whether obligatory discretionary or delegated under this Regulation—annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity Provided that when the duty required to be performed is discretionary or delegated an appeal shall lie to Government against the order of the Deputy Commissioner	45 The Deputy Commissioner may by order in writing require any Panchayet in his district to perform any duty—whether obligatory discretionary or delegated under this Regulation—annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity Provided that when the duty required to be performed is discretionary or delegated an appeal shall lie to Government from the order of the Deputy Commissioner	Power of Deputy Commissioners From" is substituted for ' against as the proper word
46 The Deputy Commissioner the Assistant Commissioner in charge of a taluk or taluks the Amildar and any other officer empowered by Government in this behalf shall have access to all books proceedings and records of every Panchayet within their respective jurisdictions	46 (1) The Deputy Commissioner and the Amildar shall have access to all books proceedings and records of every Panchayet within their respective jurisdictions (2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books proceedings and records of a Panchayet or Panchayets in the district	Inspection of records Assistant Commissioner is omitted because under clause 42 he exercises the powers of the Deputy Commissioner Any other officer has no jurisdiction over Panchayets and hence his powers of inspection etc under the authority of the Deputy Commissioner are relegated to a separate sub-clause
47 The Deputy Commissioner the Assistant Commissioner in charge of a taluk or taluks the Amildar or any other officer empowered by Government in this behalf shall in respect of Panchayets within his jurisdiction have power at all times— (a) to enter on and inspect or cause to be entered on and inspected any immovable property occupied by or any work in progress under the order of or any institution controlled by a Panchayet (b) to call for and inspect any document which may be for the purposes of this Regulation in the possession or under the control of a Panchayet (c) to require the Panchayet to furnish such statements accounts and reports as he thinks fit and may give such advice in respect of the administrative work and proceedings as he thinks fit	47 (1) The Deputy Commissioner and the Amildar shall in respect of Panchayets within their jurisdiction have power at all times— (a) to enter on and inspect or cause to be entered on and inspected any immovable property occupied by or any work in progress under the orders of or any institution controlled by a Panchayet (b) to call for and inspect for the purposes of this Regulation any document which may be in the possession or under the control of a Panchayet and (c) to require the Panchayet to furnish such statements accounts and reports as he thinks fit (2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner at the commencement in respect of a Panchayet or Panchayets	Inspection of work A document may be called for and inspected only for purposes of this Regulation and not otherwise Hence the change The portion relating to the giving of advice is deleted Advice given under clause 46
48 The Government may appoint for each taluk one or more Inspectors of Panchayets to secure better supervision over Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets The Panchayets may be required to contribute towards the cost of such Inspectors	48 The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets The Panchayets may be required to contribute towards the cost of such Inspectors	Appointment of Inspectors As the Inspector discharges such functions as are assigned to him the portion relating to his supervision is omitted

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
49 (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation the Amildar if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may by an order in writing fix a period for the performance of that duty	49 (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under Section 19 the Amildar if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may by an order in writing fix a period for the performance of that duty	The powers of an Amildar under this clause should be confined to the non performance of obligatory duties only
50 (1) If in the opinion of the Amildar the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done or is being done in pursuance of or under cover of this Regulation, is likely to cause the injury or annoyance to the public or to any class or body of persons or to lead to a breach of the peace he may by order in writing suspend the execution or prohibit the doing thereof	50 (1) If in the opinion of the Amildar the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done or is being done in pursuance of or under cover of this Regulation is likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of the peace he may by order in writing suspend the execution or prohibit the doing thereof	The word 'the' is out of place and is omitted
(2) When the Amildar makes any order under this section he shall forthwith forward to the Deputy Commissioner a copy of the order with a statement of the reason for making it and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit	(2) When an Amildar makes any order under this section he shall forthwith forward to the Deputy Commissioner a copy of the order with a statement of reasons for making it and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit	Calls for no remarks
51 (1) In cases of emergency the Amildar may provide for the execution of any work or the doing of any act which a Panchayet in his taluk is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act with a reasonable remuneration to the person appointed to execute or to do it shall be forthwith paid by the Panchayet	51 (1) In cases of emergency the Amildar may provide for the execution of any work or the doing of any act which a Panchayet in his taluk is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the safety of the public He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act with a reasonable remuneration to the person appointed to execute or to do it shall be forthwith paid by the Panchayet	The powers conferred by this clause are extraordinary and are to be used only in cases of emergency Hence the exercise of these powers is limited only to cases where the safety of the public is concerned The Panchayet should be informed of the order passed

( ) a is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Regulation or otherwise by law or exceeds or abuses its powers the Deputy Commissioner having jurisdiction may by an order published with the reasons for making it in the Official Gazette declare the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be and supersede it for a period to be specified in the order

(2) * * *
(3) * * *

53 (1) Save as otherwise provided for in this Regulation, an appeal shall lie against an order of—

(a) the Panchayet in a Taluk to the Amildar of the Taluk

(b) the Amildar to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge and

(c) the Assistant Commissioner to the Deputy Commissioner

and shall be preferred within fifteen days of the date of the order

(2) The decision of the Deputy Commissioner shall be final

55 (1) If a dispute arises between a Municipal Council and a Panchayet within the same district the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final

Provided that if the Deputy Commissioner is a Councillor of the Municipal Council concerned his functions under this section shall be discharged by the Government

(2) If a dispute arises between a Municipal Council and a Panchayet in different districts the matter shall be referred to the Government and the decision of the Government thereon shall be final

52 (1) If a Panchayet is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Regulation or by or under any law or exceeds or abuses its powers the Deputy Commissioner of the District may after giving such Panchayet an opportunity of being heard by an order published with the reasons for making it in the Official Gazette declare the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be and supersede it for a period to be specified in the order

Power to supersede Panchayet in default

(2) * *
(3) * *

(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section

53 (1) Save as otherwise provided for in this Regulation an appeal shall lie from an order of—

Appeal

(a) the Panchayet in a Taluk to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge

(b) the Assistant Commissioner to the Deputy Commissioner

and shall be preferred within thirty days of the date of the order The decision of the Deputy Commissioner shall be final

(2) Appeals to Government when expressly allowed under the Regulation shall be preferred within ninety days of the order of the Deputy Commissioner and the decision of the Government shall be final

55 (1) If a dispute arises between a Municipal Council not being a City Municipal Council and a Panchayet within the same district the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final

Provided that if the Deputy Commissioner is a Councillor of the Municipal Council concerned his function under this section shall be discharged by the Government

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts the matter shall be referred to the Government and the decision of the Government thereon shall be final

The Panchayet should be given an opportunity to state its case

When a Panchayet is superseded an appeal should lie to Government Hence the addition

Calls for no remark

As the Amildar generally controls the actions of the Panchayet and may be a party to any order of the Panchayet appeals from the orders of a Panchayet should lie to the Assistant Commissioner The number of appeals is also curtailed and period of limitation is also extended to 30 days

No limitation is prescribed in the Bill for preferring appeals to Government Hence the addition

City Municipal Councils are not subordinate to the Deputy Commissioner Hence the change

Clauses of the Bill which require amendment	Clause as amended by the Select Committee	Reasons for the change
Nil	55 A Where a Panchayet has been established under this Regulation for a village or villages under the control of a Sanitary Board constituted under the provisions of the Mysore Mines Regulation the powers that may be exercised by the Amildar and the Assistant Commissioner under the Regulation shall be exercised by the Vice President of the Board and the powers of the Deputy Commissioner by the President of the Board Provided that nothing contained in this Regulation shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics in the area under its control	*Vide* clause 3 The Sanitary Board Kolar Gold Fields has agreed to the constitution of Panchayets for villages under its control subject to conditions which are detailed in this new clause
57 (1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary the Government are satisfied that the loss waste or misapplication of any money or other property owned by or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part they may by order in writing direct such member to pay to the Panchayet before a date fixed the amount required to reimburse it for such loss waste or misapplication	57 (1) If the Government are satisfied that the loss waste or misapplication of any money or other property owned by or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet they may after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary by order in writing direct such member to pay to the Panchayet before a date fixed the amount required to reimburse it for such loss waste or misapplication	The clause is re cast without altering the sense Calls for no remarks
58 (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority Provided that the provisions of this Regulation have been in substance and effect complied with	58 (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority if the provisions of this Regulation have been in substance and effect complied with	Proviso is more a condition than a proviso Hence the change
* * * * 60 (1) * * * shall on conviction before a Magistrate be liable to a fine not exceeding rupees fifty * *	* * * * 60 (1) * * * shall on conviction before a Magistrate be punished with fine which may extend to rupees fifty * * *	be punished with is the usual formula and is substituted for be liable to
(2) (*b*) Compound for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted under this regulation or any rule thereunder	(2) (*b*) Compound for a similar sum any of the aforesaid offences which under any law for the time being in force may lawfully be compounded and withdraw from the prosecution instituted under this Regulation or any rule thereunder	Re cast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, cannot be compounded,

61 (2) In particular and without prejudice to the generality of the foregoing power the Government shall have power to make rules — * * * (f) regarding the time place and the conduct of meetings of Panchayets and quorum * * * 65 (1) * * * (2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document and in the case of joint owners and occupiers it shall be sufficient to serve it on or send it to one of such owners or occupiers	Panchayet may direct any prosecution for any nuisance, whatever and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Regulation or of any rule thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet fund. Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence 61 (2) In particular and without prejudice to the generality of the foregoing power the Government shall have power to make rules — * * * * (f) regarding the time place and the conduct of meetings of Panchayets 63 (1) * * * * (2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document and in the case of joint owners and occupiers, it shall be sufficient to serve it on or send it to any one of such owners or occupiers	Panchayet may prosecute. A provision similar to what exists in the Municipal Regulation regarding prosecutions for public nuisances is necessary Quorum is already provided for (Vide clause 17) Hence it is omitted here No remarks

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PART III.

Legislative Measures and Rules thereunder

NOTIFICATION

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION VII OF 1906

We the Members of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation met and considered the Bill at eight sittings Mr B Narasinga Rao expressed his unwillingness to serve on the Committee and did not attend the meetings The clauses in the Bill which in our opinion require changes the amendments proposed by us and the reasons therefor are noted below We recommend that the Bill as amended by us may be passed by the Council

Signed B NAGAPPA
C NARASIMHAIYYA *
B K GARUDACHAR *
K SHANKARANARAYANA RAO
J RUDRAPPA
B V RAMASWAMY CHETTY
C SRIKANTESVARA AIYAR.†
MOHAMED ABBAS KHAN
P G D SOUZA
K CHANDY (*Chairman*)

*Signed subject to the dissenting note appended.
†Signed subject to dissenting to the principle of voting without actual payment of taxes

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
SECTION 10—PROVISO TO SUB SECTION (1) Provided that the number of elected Councillors shall be not less than two thirds one half and one third of the whole number inclusive of the President in City Town and Minor Municipal Councils respectively and that not more than one half of the nominated councillors shall be salaried servants of Government	1 For the proviso to sub-section (1) of Section 10 the following shall be substituted — [Provided that] the number of elected Councillors shall not be less than [two thirds and one half of the whole number inclusive of the President, in the case of City and other Municipal Councils respectively and that not more than one half of the nominated councillors shall be salaried servants of Government]	1 For the proviso to sub section (1) of Section 10 the following shall be substituted — [(1*a*)] The number of elected councillors shall not be less than [two-thirds **in the case of City Municipal Councils** and **not less than one-half in the case of other Municipal Councils** of the whole number of Councillors and of the number of nominated councillors the **salaried servants of the Government if any, shall not exceed one half** Provided that **when a President appointed** by Government under clauses (*a*) and (*b*) of Sub-section (2) of Section 23 or when a **President elected** under clause (*d*) of the same Sub-section **is not a Councillor**, the **two thirds and one half of the whole number** mentioned in this Section **shall be exclusive of the President** so appointed or elected and the President so appointed or elected **shall be an additional Councillor**]	**In specified proportions** Recast to specify clearly the elected element in the different classes of Municipal Councils Recast so as to avoid a possible interpretation that one or more salaried servants of Government should necessarily be nominated to a Municipal Council There is no such the City Municipal Council Bangalore This is firstly to provide for the appointment by Government of a President who is not already a Councillor—elected or nominated secondly to declare such a President as well as one elected by the general body of voters if not already a Councillor to be an additional Councillor and thirdly to exclude such Presidents when calculating the elected element in order that neither the number that may be nominated to a Council is reduced by one nor the number elected for separate Mohallas is reduced by one Unless the President in these two cases is an additional Councillor one or the other of these alternatives neither of which is will follow

(1) For every Municipal there shall be a President and if and whenever Government so directs one or more than one Vice President Where there are more Vice Presidents than one the Government may direct which of them is the senior for the purpose of this Regulation

(2) The President and the Vice President or Vice Presidents shall be selected from among the councillors and for this purpose may be either—

(a) appointed by the Government by name or

(b) appointed by the Government *ex-officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

3 After sub section (2) of Section 13 the following new sub section shall be inserted —

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person [duly authorised in this behalf to represent such association] shall be deemed to be qualified to be elected a Councillor

4 For Section 23 of the Regulation the following shall be substituted —

[(1) Every Municipal Council shall be presided over by a President who shall be either —]

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

(c) if the Government so directs elected by the [Municipal Council] in accordance with such rules and conditions as may be prescribed by Government in this behalf or

3 After Sub-section (2) of Section 13 the following new Sub section shall be inserted —

Amendment of S 13.

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor [Expires]

Enrolment in Municipal Electoral Roll necessary for elected Councillor

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person [who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation] shall be deemed to be qualified to be elected a Councillor

Representative of Association

4 For Section 23 of the Regulation the following shall be substituted —

Amendment of S ct on 23

[23 (1) For every Municipal Council there shall be a President and if and whenever Government directs one or more than one Vice President Where there are more than one Vice Presidents the Government may direct which of them is the senior for the purpose of the Regulation]

Every Municipal Council shall have President and if Government directs one or more Vice Presidents.

[(2) The President may be—]

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

(c) if the Government so directs elected by the [councillors from among their number] in accordance with such rules and conditions as may be prescribed by Government in this behalf or

Troubles may arise as to whether a person was or was not duly authorised by an association Such authorisation should be in writing and for obvious reasons the person authorised should not be subject to any disqualifications under the Regulation

The existing provision which prescribes that every Municipal Council shall have a President and may have one or more Vice Presidents (if so directed) is retained in preference to the amendment in the Bill which leaves it to be inferred

Recast consequent on the above change

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
(*c*) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf	(*d*) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rules and conditions as may be prescribed by the Government in this behalf	(*d*) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rules and conditions as may be prescribed by the Government in this behalf	
[(2)]	* * * (4) [(*a*) There shall be a Vice President for such Municipal Councils as the Government may direct]	[(3)]	Sub-clause (4)(*a*) in the Bill is omitted as it is already included in the amended Sub Section (1)
	[(*b*)] The Vice President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice President by name	(4) The Vice President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf Provided that the Government may for special reasons and in the case of such Municipal Councils as it may deem fit appoint the Vice-President by name	
(7*a*) During the period intervening the expiry of the term of a President on the reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder take the place of the President until such elected or nominated President enters on his duties	[(3)] During the period intervening the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of Municipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder [take the place of] the President until such nominated	[(5)] During the period [if any] intervening [between] the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of [City Municipalities and] Municipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder [perform the functions] of the President until such elected or nominatated President enters on his duties	When a President is elected under sub clause (4) (*d*) above there may be no interregnum So the words if any between the words period and intervening are inserted Municipalities at district headquarters include the two City Municipalities Hence the change For the words take the place the words perform the functions are substituted as more appropriate and legal

for a d exceeding three months shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (a) by the Government in the case of a President or Vice President appointed under clause (a) of sub section (2) (b) by the Municipal Council in the case of an elected President or Vice President	every President who for a period exceeding **three months**] and every Vice President who for a period exceeding **[fifteen days]** shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (a) by the Government in the case of a **President** [appointed under (a) of sub section (1)] (b) by the Municipal Council in the case of an elected President or [of a] Vice President	t and every Vice President who for a period exceeding **[two months]** shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (a) by the Government in the case of a **President [or Vice President appointed by Government]** (b) by the Municipal Council in the case of an elected President or Vice President	**Absent without leave**	of Pr ent a Vice-President and the period of three months is too long A period of two months is pre cribed A Vice President can also be appointed by Government in certain cases There is no provision to grant leave in such a case This omission is rectified by the addition of the words or Vice President The words under clause (a) of sub section (1) refer only to the President and have therefore to be replaced by the words by Government as a Vice President is also included in the clause
(5) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a President or Vice President under that sub section a Councillor shall be appointed or elected as the case may be to perform all the duties and exercise all the powers of a President or Vice President during the period for which such leave is granted	[(6)] Leave under the last preceding sub section shall not be granted for a period exceeding six months [and whenever leave is granted to a Vice President under that sub section a Councillor **shall be elected** subject to the conditions to which the election of the Vice President so absenting himself was subject to perform all the duties and exercise all the powers of a Vice President during the period for which such leave is granted]	[(7)] Leave under the last preceding sub section shall not be granted for a period exceeding six months [Whenever leave is granted to a **President** and there is no Vice President for the Council or the office of the Vice President is vacant the vacancy shall be filled up by election by the Council from among the Councillors whether the President was elected under clause (c) or (d) of sub section (2) within such period and in such manner as may be prescribed by rules framed by Government in this behalf If the **Council fail to elect the President** or if the appointment of the President was under clause (a) of sub section (2) the **Government may fill up** the vacancy When leave is granted to a Vice President or when he is acting for the President the vacancy **may be filled up** by appointment or election as the case may be of some other Councillor thereto]	**Limit of grant of leave and arrangement during leave**	Sub clause (6) in the Bill does not provide for all the cases that may arise on the grant of leave to a President or Vice President It is replaced by the proposed sub clause (7)
(6) Every President and every Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duty and the term of office of every President	[(7)] Every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties [and the term of office of every President	[(8) The term of office of every President and of every Vice President shall cease on the expiry of his term of office as Councillor and] every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties [**after an opportunity is afforded for hearing him**]	**Term of Office of President and Vice President and their liability to be removed**	The sub-clause is recast to bring about a more logical order provision is also made to afford the President or Vice President an opportunity of being heard before his removal

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulations	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
and of every Vice President shall be for a year unless the term of the Council expires sooner Provided that in the case of City Municipalities his term of office shall continue for three years unless his term of office as Councillor expires sooner	and of every Vice President shall cease on the expiry of his term of office as Councillor]		
(7) In the event of the death resignation or removal from office of a President or Vice-President other than an *ex officio* President or Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	[(8)] In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	[(9)] In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto [For all the vacancies which are not otherwise provided for the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice President during such vacancy] Vacancies in the office how to be filled up.	This is to provide for casual vacancies
(8) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government Officer whose services are lent for employment as	[(9)] The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government [Provided that] it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary [of] any Government officer [w	[(10)] The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government * It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government salary or allowances of any Government officer [who is appointed as President or Vice-President ' Remuneration of President and Vice President of Municipal Council	[*Recast, as this is not strictly a proviso to sub clause (9) The words whose service are lent for employment are replaced by the words who is appointed as being more comprehensive and applicable to actual facts The omission of the and substitution of to for of are made as salary is too restricted and not sufficiently definitive Allowances of the officer should in order to provide

26 (14) (*a*) The Executive Engr Educational Inspector and the **Civil Surgeon in a district when charged with any of the duties of a Health Officer therein** if not members of a Municipal Council within the district shall have the right of being present at any meeting of such Municipal Council and with the consent of the Municipal Council each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such Municipal Council

* * *

(*b*) If it shall appear to a Municipal Council that the presence of the Executive Engineer Educational Inspector or **Civil Surgeon** of or in the district is desirable for the purpose aforesaid at any future meeting of such Municipal Council it shall be competent to such Municipal Council by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat and the said officer unless prevented by sickness or other reasonable cause shall be bound to attend such meeting

* * *

Explanation —The terms Executive Engineer Educational Inspector and **Civil Surgeon** in sub-sections (13) and (14) of this section include the Principal Engineering Educational and Medical Officer respectively in or for the district

5 [In the explanation at the end of Section 26 the words or Sanitary shall be inserted after the word Medical]

5 [(1) In clause (*a*) of sub section (14) of Section 26 for the words Civil Surgeon in a district when charged with any of the duties of a Health Officer therein the words **Chief Sanitary Officer** in a district shall be substituted

Amendment of Section 26

(2) In clause (*b*) of the same sub section the words **Chief Sanitary Officer** shall be substituted for the words Civil Surgeon

(3) For the explanation at the end of Section 26 the following shall be substituted —

Explanation —The terms Executive Engineer and Educational Inspector in sub sections (13) and (14) of this section include the principal Engineering and Educational Officer respectively in or for the district]

The use of the words Civil Surgeon etc in the sub section is inaccurate Rather than retain the words and explain them later it is better to replace them by the words Chief Sanitary Officer in a district so as to bring about the desired result and exclude the Chief Sanitary Inspectors of districts

Consequent on the change made above

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
46 Every Municipal Council shall as soon as conveniently may be after the constitution thereof and subject to the provisions of Chapter XIII A make and may from time e alter or rescind rules but not so as to ren consistent with lation (*a*) regulating t e conduct o their bu ness and the delegation of any of their powers or duties and subject to the provisions of section 27 the appointment and constitution of committees (*b*) determining (*i*) the executive functions to be performed by the president vice president the chairman of any committee and subject to the provisions of Chapter XIII in City Municipal Councils by the Chief Officer and subject to the provisions of Chapter XIIIA by the Municipal Commissioner and the delegation of any of their powers or duties to such persons (*ii*) the staff of officers and servants to be employed by the Municipal Council and the respective designations duties salaries fees and absentee or other allowances of such officers and servants and the powers and duties delegated to them under Section 37 (*c*) generally for the guidance of their officers and servants in all matters relating to the municipal administration	8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* — (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of he matters specified in clauses (*b*) i e) (*f*) (*g*) and (*h*) in respec [r any class of Municipal Councils] or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government	8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* — (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in respect of [any Municipal Council] or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government Amendment of Section 46	Power may be given to Government to frame rules in respect of any Council rather than any class of Municipal Councils There may be cases when a Municipal Council falling under a certain class may not be in a position to be subjected to such rules

(d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security

(e) subject to the provisions of section 184 determining the mode and conditions of appointing punishing or dismissing any officer or servant and delegating to officers designated in the rules the power to appoint fine reduce suspend or dismiss any officer or servant

(f) regulating the grant of leave to officers or servants and fixing the remuneration to be paid to the persons if any appointed to act for them whilst on leave

(g) subject to the provisions of the Mysore Service Regulations and to the special orders of Government if any regulating the period of service of all officers and servants and determining the conditions under which such officers and servants or any of them shall receive pensions gratuities or compassionate allowances on retirement or on their becoming disabled through the execution of their duty and the amount of such pensions gratuities or compassionate allowances and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relations of any such officers or servants whose death has been caused through the execution of their duty

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
(*h*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants * * * Provided that—(*a*) No rule made or alteration or rescission of a rule made, under this section shall have effect unless and until it has been approved by the Government. (*b*) * * * (*c*) * * *			
48 (1) Every Municipal Council may from time to time with the previous sanction of the Government make alter or rescind bye laws but not so as to render them inconsistent with this Regulation— * * * (*b*) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted refused suspended or withdrawn for the use of any place not belonging to the Municipal Council — (*i*) as a slaughterhouse (*ii*) as a market or shop for the sale of animals intended for human food or of meat or of fish, or as a market for the sale of fruit or vegetables (*iii*) for any of the purposes in Section 151	9 (1) After sub-clause [(*ii*)] of clause (*b*) under sub-section (1) of Section 48 the following new [sub clause] shall be inserted — [(*iii*) as a hotel bakery sweet meat shop or otherwise for the preparation manufacture or sale of articles intended for human food or drink the present sub clause (*iii*) being re numbered as sub-clause (*iv*)]	9 (1) After sub clause [(*iii*)] of clause (*b*) under sub-section (1) of section 48 the following new [sub-clauses] shall be inserted — [(*iv*) as a dairy hotel restaurant eating house coffee house sweetmeat shop bakery boarding house or lodging house (other than a students hostel under public or recognised control) or for manufacturing ice or aerated waters] [(*v*) as a place for the preparation or manufacture of oil] [(*vi*) for parching grain or Bengal gram on a large scale]	Sub-clause (1) of clause 9 of the bill is too general and would even cover any private house where food is prepared for the consumption of the inmates The idea is to license only such places as are used for the preparation etc of food and drink for purposes of sale or where accommodation is given for payment The clause is accordingly revised *Vide* note against clause 23 of the bill

Amendment of Section 48

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the in any place as a d so as to secure cleanliness therein or to minimise any infir ious offensive or dangerous effect arising or likely to arise there from	[(2) After sub clause (*sv*) of clause (*b*) under the same sub section the following new sub clause shall be added —] [(*v*)] or for any other purpose for which the taking out of a license is or may be prescribed	[(*vu*)] or for any other purpose for which the taking out of a license is or may be prescribed	Sub-clause (2) of the bill has been omitted and the same in cluded under sub clause (1)
(*o*) providing for the inspec tion of hotels bakeries sweetmeat shops and other places for the sale of articles intended for human food or drink other than those men tioned in clause (*b*) and for securing the cleanliness of such places and the wholesomeness of the articles prepared kept or sold therein * * *	[(3)] * * * [(4)] In sub section (1) of the same section the following shall be inserted [between the clauses (*o*) and (*p*)] — [(*oo*) regulating the condi tions for the construction use and disposal of the houses intended for the poor [(5)] * * *	[(2)] * * * * [(3)] In sub section (1) of the same section the following shall be inserted [after clause (n)] — [(nn)] regulating the conditions for the construction use and disposal of houses intended for the poor [under clause (bb) of Section 56]	For con structing houses for the poor The proper place is after clause (*n*) and hence the change The substantive provision of law which relates to this clause is clause (*bb*) of section 56 Hence it is mentioned here
(*m*) regulating the use of pub bathing and washing places within municipal limits (*n*) regulating sanitation and conservancy (*o*) regulating the disposal of carcasses of dead animals (*p*) regulating the conditions on which permission may be given for the temporary occupa tion of or the erection of temporary structures on public streets or for projections over public streets and regulating the structure and dimensions of plinths walls, foundations roofs and chim neys of new bulidings for the pur pose of securing stability and the prevention of fires and for purposes of health * * *	[(6) At the end of the same clause after the semicolon the fol lowing words shall be added - and prescribing a time limit for the erection of buildings] [(7)] * * *	[(4)] * * * * Omitted [(5)] * * * *	It is not proposed to prescribe any time limit for buildings The provision was inserted when the idea was to resume sites when buildings were not con structed for an indefinite period Now that provision for resump tion is not inserted in the present bill this time limit becomes illegal

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
59 Any Municipal Council— (*a*) after observing the preliminary procedure required by section 60 and (*b*) with the sanction of the Government and subject to such modifications or conditions as under section 61 the Government in according such sanction deems fit may impose for the purpose of this Regulation any one or more of the following taxes that is to say (*i*) a rate on buildings or lands or both situate within the municipality not exceeding in any case * * * (*x*) a tax on arts professions trades and callings and on offices and appointments at rates not exceeding those specified in schedule III (*xi*) an educational cess not exceeding two annas in the rupee in the City Municipalities and one anna in the rupee in the other Municipalities on taxes levied under clauses (*i*) and (*x*) to be utilised solely for purposes of education (*xii*) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in sub clause (*i*) of clause (*a*) of section 60	12 (1) After clause (*x*) of section 59 of the Regulation the following new clause (*xi*) shall be inserted the present clauses (xi) and (*xii*) being re numbered as (*xii*) and (*xiii*) respectively — (*xi*) a tax on shops where business is carried on for [purposes] of profit payable half yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or perons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (*x*) in respect of the business carried on in the shop	12 (1) After clause (x) of section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re numbered as (xii) and (xiii) respectively — **Amendment of Section 9** (*xi*) a tax on shops **[and other places]** where [a] business **[or profession]** is carried on for [purpose] of profit payable half yearly by the person or persons engaged in the business [or **profession**] at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or persons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (x) in respect of the business **[or profession]** carried on in the shop **[or place]**	A shop does not include a place where a profession is carried on Hence the change One of the main objects of levying shop tax instead of profession tax is to avoid secret and often unpleasant enquiry as to the income of a person who is carrying on a trade business or profession The alternative shop tax now proposed dispenses with such an enquiry The place a trade or business or profession is carried on is proposed to be taxed As in the case of shops there will be different scales of taxation for place of business or profession Also when a tax is levied under the section there is no minimum income fixed as for profession tax and a person so taxed will be exempt from profession tax

SECTION 59—PROVISO

Provided that (*a*) no tax imposed as aforesaid other than a special sanitary cess or a water-rate shall without the express consent of Government be leviable in respect of any building or part of any building or of any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit or in respect of any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes or set apart for the occupation of His Highness the Maharaja or the Yuvaraja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or the Yuvaraja and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or the Yuvaraja or for the passage of military or Police Officers on duty or the passage or conveyance of any person or property in their custody	(2) [for proviso (*a*) to Section 59 the following shall be substituted] — (*a*) no tax imposed as aforesaid other than a special sanitary cess or water rate shall without the express consent of Government be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit (ii) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit	(2) [In the proviso to the same section the following clauses shall be substituted for clause (*a*) the present clauses (*aa*) (*b*) and (*c*) being re numbered as (*d*) (*e*) and (*f*) respectively] — (*a*) no tax imposed as aforesaid other than a special Sanitary cess or water rate shall without the express consent of Government be leviable in respect of— (*i*) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit (*ii*) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit,	Amendment of proviso (a) to section 59. No change Calls for no remarks

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
	(*iii*) any building or part of a building [ordinarily] used as a place of public worship or used for charitable [but not residential purposes]	(*iii*) any building or part of a building used as a place of public worship or used for [a] charitable [purpose]	The word ordinarily is omitted to avoid different interpretations and disputes as to the degree of use for public worship The words but not residential are omitted as otherwise the necessary residence of the servants and establishment of a place of worship or charitable institution would render the institution liable to taxes Rather than exclude such residential purposes from the operation of the clause, it is considered desirable to omit the words altogether and leave the question whether such building is being used for profit to be determined in each case according to the facts of the case It has also to be stated that the words "but not residential do not occur in the corresponding sections of similar enactments in British India
	[(*iv*) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja]	[(*b*) (*i*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja]	Clauses (*b*) and (*c*) confirm the existing practice and in accordance with the Government Orders passed in connection The clauses the Bill do not correspond represent the practice and therefore modified
	[(*v*) any vehicle animal or other property belonging to His or His	[(*ii*) in respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid leviable special	

of

or the conveyance of ment stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody]

14 After Section 81 the following Section shall be inserted —

81A (1) * *

(2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub-sections (1) and (2) of Section 79 provided that no article distrained may be sold exce t under the orders of the den

16 After ection 84 the following section shall be inserted —

84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall [be modified accordingly] Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the by whom it was issu

for

of the property of His H the

H the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers on duty or the conveyance of any person or property in their custody]

14 After Section 81 the following section sall be inserted — New Section 81A. Farming of Tolls.

81A (1) * * *

(2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the [Municipal Council]

16 After Section 84 the following section shall be inserted — Addition of Section 84. Distraint and sale outside the Municipality

84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall [apply *mutatis mutandis*] Such Officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued

The power of sale should be exercised under the orders of the Municipal Council and not the President and the Council may if it chooses delegate the power to the President This is the law in Bombay Hence the change

The correct legal expression is *mutatis mutandis* which is therefore used instead of modified accordingly

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil	17 After Section 91 the following new Section 91A shall be inserted —	17 After Section 91 the following new section 91A shall be inserted —	
	91A (1) It shall be [the duty of every] Municipal Council to prescribe a line on each side of every] public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof	91A (1) It shall [lawful for any City Municipal Council and such other] Municipal Council [as may be notified by Government in this behalf] to prescribe a line on [either side or both sides of any] public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed or for any part thereof	Addition of a New Section 91A The regular line of Public street The changes made are firstly that it should not be an *obligatory* duty of every Municipal Council to prescribe a line for *every* public street The duty should be discretionary i e left to the option of the Council and in respect of any such street as it may deem fit Further the provision should apply only to City Municipalities and in exceptional cases to such other Municipalities as may be notified by Government. The clause is recast accordingly
	Provided that—	Provided that—	
	(a) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council shall give public notice of [the proposal] and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed [and]	(a) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council shall [notify the same in the Mysore Gazette and shall] give public notice of [it] and they shall [also] put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed	To give greater publicity the notice should be published in the *Mysore Gazette* and it must be given as much publicity as possible apart from the special notice to be put up in the street
	(b) * *	(b) * * * [and]	
		[(c) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.]	It is necessary to prescribe the preparation of a map of the area to be open to public inspection in order that persons interested may have a chance of representing their grievances if any
	(2) * *	(2) * * *	
	(3) * *	(3) * * *	
		[(4) If any person suffers loss by the Municipal Council not granting permission under sub section (3) of this Section, he shall be entitled to claim from the Municipal Council compensation, which should in case of dispute be ascertained and determined in the manner provided in Section 160]	There may be cases where after a line is prescribed under Section 91A the municipal Council may not choose to acquire the property falling within the line and the existing street and may decline or delay the issue of a

			building In such a case and in cases where the damage is likely to be heavy where for instance the main portion of a building falls within the line the party's right for compensation should be specifically defined Hence the sub-clause
	[(4)] Whoever contravenes the provisions of sub section (3) shall be punished with fine which may extend to [one thousand] rupees and the Municipal Council may— (a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary	[(5)] Whoever contravenes the provisions of Sub-section (3) shall be punished with fine which may extend to [two hundred] rupees and the Municipal Council may— (a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary	One thousand rupees is a disproportionate amount which so far as Mysore goes is not likely to be awarded as fine Hence it is reduced to Rs 200
Nil	[18 After Section 93 the following new Section 93A shall be inserted — 93A No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any bye laws made under this Regulation relating to the use of building sites or the erection or use of buildings Provided that the Government may in respct of all Municipalities or with the consent of the Municipal Council in respect of any particular Municipality or portion thereof exempt all buildings or any class of buildings from all or any of the provisions of this Chapter or the bye laws made thereunder]	Omitted	*Vide* reasons on next against clause 19 of the Bill

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil	[19 After Section 93A the following new Section 93B shall be inserted — 93B (1) The Municipal Council may give public notice of its intention to declare— (a) that in any streets or portions of streets specified in the notice (i) continuous building will be allowed (ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural features be such as the Municipal Council may consider suitable to the locality or (b) that in any locality specified in the notice the construction of only detached buildings will be allowed or (c) that in any street portions of streets or localities specified in the notice the construction of shops warehouses factories huts or buildings of a specified architectural character or building destined for particular uses will not be allowed without the special permission of the Municipal Council (2) No objections to any such declaration shall be received after a period of three months from the publication of such notice (3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration and before doing so, may it, but not so as to	Omitted	Sections 93A and 93B appear to have been drafted without considering duly that Section 96 provides for practically all these matters Any additions necessary will have to be made in that Section Hence clauses 18 and 19 are omitted and Section 96 is suitably amended (*Vide poste* proposed amendment of Section 96)

ugh as construct any building in contravention of any such declaration]

21 After Section 95 the follow new section shall be added —

The Municipal Council may require that any building or intended to be used as a [grain shop or grain store shall be] erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government

21 After Section 95 the following new section shall be added —

Addition of a new Section 95 A. Rat-proof building for warehouses for storing grain.

95A The Municipal Council may require that any building used or intended to be used as a [warehouse for storage of grain, shall be protected or] erected so as to render such building rat proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government

The section as worded is too wide and would cover petty retail shops as also every house where grain is kept even in small quantities for purposes of being used daily for food The operation of the section should be limited to warehouses where large quantities of grain are stored and where it may die of infection unobserved The operation of the section should extend not only to warehouses to be erected hereafter but also to existing ones as is apparent from the word used and hence the corresponding word protected which seems to have been left out by mistake is also added There is no real protection against plague unless existing warehouses are also protected

96 (2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the location of the building in relation to any street existing or projected or where the Municipal Council have been specially empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper,

[For Sub section (2) of section 96 the following shall be inserted —

Amendment of Section 96

Power of Municipal Council to pass orders.

(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the **location of the building in relation to any existing building or street, existing or projected or prohibiting its use as a factory** or where the Municipal Council have been specially empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms as they think proper]

Sub section (2) of section 96 is added to to cover cases contemplated by Sections 93 A and 93 B which have already been omitted The effect is that while building on sites could not be absolutely prohibited which is too drastic the provisions in Sections 93 A and 93 B *re* building in a line or detached and their architectural character are provided for and constructing a factory deleterious to health in the middle of dwelling houses can be prohibited

appointed

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee		Reasons for the change
ten pigs	22 After Section 137 the following new section shall be inserted — 137A With n such limits as [the] Municipal Council may direct no person shall keep more than [ten] pigs or more than [twenty] goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	22 After Section 137 the following new section shall be inserted — 137 A Within such limits as [a City] Municipal Council may direct no person shall keep more than [five] pigs or more than [ten] goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	Add t ons of a new section 137A Licensing of goats and pigs	Licensing of goats and pigs may be limited to the City Municipalities and the number which would necessitate a license reduced to 10 and 5 respectively
151 If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used * * * (i) as a brick pottery or lime kiln (j) for soap making (k) for oil boiling *	23 [(1) For clause (k) of Section 151 the following shall be substituted — (k) for boiling pressing cleansing preparing or manufacturing by any process whatever oil (edible or non edible)] [(2) In the same section the following shall be added after clause (i) — (ii) for parching grain] [(3) (4)] * * *	Omitted Omitted [(1) (2)]		The case which led to this amendment (*vide* Mysore Chief Court Report Vol XXIX Pages 294 299) referred to preparing oil without a license under section 48 and not to carrying on the trade as a nuisance under this Section The amendment in the bill goes further than was intended by the prosecution in the above case and makes the preparation, etc of oil a nuisance which is not always so The question regarding parching grain is also identical (*vide* discussions at the meeting of the Legislative Council on 16th April 1923) So in order to provide for what is actually intended Section 48 is added for licenses

Nil	24 After Section 151 the following new section shall be inserted — 151A (1) No person shall [newly] establish in any premises, any factory workshop or workplace which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council (2) * * * (3) * * *	24 After Section 151 the following new section shall be inserted — 151 A [After the passing of this Regulation in a City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government] no person shall establish in any premises any factory workshop or workplace in which it is intended that steam water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council (2) * * * (3) * * *	Addition of a new Section 151A Factories in crowded localities	Newly is not a legal term and there may be difficulty in interpreting it It is therefore clearly stated that the section applies to all factories etc which may be started after the passing of this Regulation The operation of the section is restricted to City Municipalities and to such select Municipalities as the Government may notify
Nil	25 After Section 151 A the following new section shall be inserted — 151 B (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council (2) * * * (3) * * *	25 After Section 151 A the following new section shall be inserted — 151 B (1) [In any City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made appliable by the Government] no person shall use or employ in any factory or any other place any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council (2) * * * (3) * * *	Addition of a new Section 151B Use of siren or whistle for summoning or dismissing workmen	The object is to restrict the operation of this section to City Municipalities and to such other Municipalities as Government may notify
Nil	27 After Section 164 of the Regulation the following new section shall be added — 164 A No distraint shall be made [or suit shall be instituted] and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made [or suit might have been instituted] or prosecution might first have been commenced as the case may be in respect of such sum	27 After Section 164 of the Regulation the following new section shall be added — 164 A No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced as the case may be in respect of such sum	Addition of new Section 164A Limitation for distraint etc	Reference to institution of suits is omitted in this section as under section 87 of the Regulation taxes are first charge on the property in which case the limitation is 12 years

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision existing in the Regulation	Clauses in the Bill	Clauses as amended by the Select Committee		Reasons for the change
Nil	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A. The Deputy Commissioner shall have power — (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council [either of his own motion or on the application of an aggrieved party] and to submit the same with his opinion to Government for such orders as they may deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is [wrong or] contrary to law	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is contrary to law	Addition of a new Section 173A Deputy Commissioner's power of p ct on of M pal Councils	The words "either of his own motion or on the application of an aggrieved party are omitted The omission does not alter the sense Also the words wrong or are omitted so that the Deputy Commissioner may not interfere on questions of fact
SCHEDULE II (SEE SECTION 59 CLAUSE iii) *Maximum Rates of Tolls payable on entering the Municipal limits* Rs a p On every four wheeled vehicle with springs 0 8 0 On every jatka hackery or cart laden 0 4 0 On every jatka hackery or cart not laden 0 2 0 On every other vehicle with springs and every palanquin bicycle or tricycle 0 4 0	30 [(1)] In Schedule II above the words on every four wheeled vehicle with springs—0 8 0 the following words shall be inserted namely — Rs a p On every motor car 1 0 0 On every motor cycle [or bicycle] 0 8 0	30 In Schedule II above the words [and figures] on every four wheeled vehicle with springs Re 0 8 0 the following words [and figures] shall be inserted namely — Rs a p [On every motor bus] [2 0 0] On every motor car 1 0 0 On every motor cycle 0 8 0		This is to provide for the case of a motor bus The words or bicycle are redundant and are struck out

Nil	[(2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation *viz* — *Explanation 3* —No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal District Fund or State toll gate provided that when toll has been paid in respect of any vehicle or animal not ladden or unridden the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden shall be collected if such vehicle or animal again passes through a Municipal toll gate laden or ridden within such period *Explanation 4* —Any Municipal Council may with the previous sanction of Government declare that payment of toll on vehicles or animals at any toll gate whether within or without Mysore shall clear such vehicles or animals at any of their toll gates]	Omitted	This matter be regulated by consists to as at present	

SCHEDULE II A—(AS IN THE BILL)

(SEE SECTION 59 CLAUSE XI)

Shops		Sort				
		1st	2nd	3rd	4th	5th
		Rs	Rs	Rs	Rs	Rs
Shops (Mundi) where all sorts of articles are sold per shop	In City Municipalities	50	40	30	20	
	In other Municipalities	30	25	20	10	
Shops in which piece goods are sold per shop	In City Municipalities	20	15	12	8	
	In other Municipalities	15	12	10	6	
Other shops per shop	In City Municipalities	15	12	9	6	4
	In other Municipalities	12	10	7	4	2

SCHEDULE II (A)—(AS AMENDED)

(SEE SECTION 59 CLAUSE XI)

Items		Sort					
		1st	2nd	3rd	4th	5th	6th
		Rs	Rs	Rs	Rs	Rs	Rs
1 Shops (for each shop per year)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2
2 Other places where business or profession is carried on for purposes of profit (for each place per year)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2

ENTING NOTE BY MESSRS C NARASIMHAIYYA AND B K GARUDA CHAR TO THE REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION

Section 12

For substituting the words was assessed to for the words has been paying in (c) of Section 12 no valid reason has been assigned Even the draft Bill that was before council does not disclose any reason In the statements of objects and reasons to the Bill and notes on clauses no suggestion has been thrown out for a change in s particular section It appears to have been simply inserted at the suggestion of some cipal council or councillors Even the Local Self Government Conference has not made a recommendation of this kind

The *Election Roll* contemplated in Section 13 is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality If in the opinion of the framers of the Bill Election Roll and Khata mean one and the same thing then there is no necessity to prepare a separate Roll at all The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues That was the very reason why in an Election Roll only the names of such persons who have paid the taxes included A citizen will not by merely living or owning property in a city acquire a right to vote unless a universal franchise is conceded and unless he actually pays before the preparation of the Roll he has to lose his right It may lead a citizen to be indifferent negligent or even to refuse to vote It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon The proposed change is not desirable Such a prac does not obtain either in the Bombay or in the Madras Presidencies and a proposal to effect was negatived in the Madras Legislative Council We therefore record our dissent on the amendment

Section 46

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye laws suited to the condition of each locality The rules so framed should not be in consistent with the Regulation and they have to be approved by the Government But the proposed alteration deprives the Council of all its powers of framing Rules and Bye laws as ds clauses (b) (ii) (c) (e) (f) (g) and (h) and vests the power in the Government No reason has been assigned for this drastic change No instances have been brought to light in which Municipalities have used this power to their detriment or to the annoyance of the Government Very strong reasons must be urged to take away such powers enjoyed by the Municipalities for years together The objects and reasons and notes to clauses do not disclose any reason The only reason assigned during the discussion in the Select Committee is that power is reserved to Government because of its intention to transfer Municipal Officers and servants from one Municipality to another There is no provision in the proposed Bill to give effect to such transfers Even in the proposed amendment of Section 46 there is no provision for transfers This is something like putting the cart before the horse The proposed amendment can be thought of only when there is a provi sion for mutual transfers of officers and servants from one Municipality to another The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment We therefore record our dissent on the proposed amendment to Section 46

Section 59 Clause XI

The addition of the words and other places after shop and or profession after business are not necessary The idea of the framers of the Bill is clearly explained in notes on clause 12 It clearly shows that the object is to levy shop tax in lieu of profession tax in respect of *business carried on in the shop* The framers of the Bill did not mean that the levy should extend to any profession carried on in one s own house or in any other place except a shop If the proposed change is accepted it means that a weaver a potter a goldsmith a washerman etc who uses a portion of his living quarters for earning daily bread will have to be taxed It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them Our benign Government are making strenuous efforts to encourage and help Home Industries We therefore oppose the addition of the said words to the Draft Bill

Section 95 (a)

To amend the Section 95 (a) so as to affect the present grain shop owners is undesirable There are many petty traders and their capital may not exceed more than a couple of

hundreds of rupees It will be an uphill task to these petty traders to improve their premises or warehouses in accordance with the clauses of the new Bill Even a reasonable time within which the existing warehouses could be improved is not thought of and no provision made giving such facilities to the existing warehouses Whatever may be the restriction that may be placed upon the warehouses to be opened after the passing of this Regulation the exist ng warehouses should not be forced to come under the New Regulation for punishment Therefore the word used in the proposed clause should be deleted

The Municipal Regulation as it now exists and the Bill now introduced for amendment are complicated There is only one Regulation for the City Town and other Minor Municipalities One has to wade through to find out the sections relating to the City and Town Municipalities Such a difficulty was experienced by us when reading the Bill in the Select Committee It is e sential that there should be separate Regulations for different kinds of Municipalities We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City Town and Minor Municipalities.

C NARASIMHAIYA.
B K GANGADHAR.

Registered No M —1175

OFFICE OF THE SECRETARY
4 JAN 1926
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

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PART III.

Legislative Measures and Rules thereunder

NOTIFICATION.

No 3424 *dated* 2nd *January* 1926

The Report of the Select Committee appointed to consider the Bill to further amend the Municipal Regulation VII of 1906 which was printed in the *Mysore Gazette*, dated December 1925 is reprinted below Some mistakes which were observed in the Bill have been corrected here and the change proposed by the Select Committee are clearly exhibited

By Order
R Ranga Rao
Secretary Legislative Council

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION VII OF 1906

We the Members of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation met and considered the Bill at eight sittings Mr B Narasinga Rao expressed his unwillingness to serve on the Committee and did not attend the meetings The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below We recommend that the Bill as amended by us may be passed by the Council

(Signed) B Nagappa
C Narasimhaiyya *
B K Garudachar *
K Shankaranarayana Rao
J Rudrappa
B V Ramaswamy Chetty
C Srikantesvara Aiyar ‡
Mohamed Abbas Khan
P G D Souza
K Chandy (*Chairman*)

* Signed subject to the dissenting note appended
‡ Signed subject to dissenting to the principle of voting without actual payment of taxes.

[Note the words omitted, and those transposing or inserted by the Select committee are shown in square brackets portions of the clauses not printed are unaltered and those requiring special attention are printed in black type.]

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
SECTION 10—PROVISO TO SUB SECTION (1) Provided that the number of elected Councillors shall be not less than two thirds one half and one-third of the whole number inclusive of the President in City Town and Minor Municipal Councils respectively and that not more than one half of the nominated councillors shall be salaried servants of Government	1 For the proviso to sub section (1) of Section 10 the following shall be substituted — [Provided that] the number of elected Councillors shall not be less than [two thirds and one half of the whole number inclusive of the President in the case of City and other Municipal Councils respectively and that not more than one half of the nominated councillors shall be salaried servants of Government]	1 For the proviso to sub section (1) of Section 10 the following shall be substituted — [(1*a*)] The number of elected councillors shall not be less than [**two-thirds in the case of City Municipal Councils** and **not less than one-half in the case of other Municipal Councils** of the whole number of Councillors and of the number of nominated councillors the **salaried servants of the Government if any shall not exceed one half** Provided that **when a President appointed** by Government under clauses (*a*) and (*b*) of Sub section (2) of Section 23 or when a **President elected** under clause (*d*) of the same Sub section **is not a Councillor** the **two thirds and one half of the whole number** mentioned in this Section **shall be exclusive of the President** so appointed or elected and the President so appointed or elected **shall be an additional Councillor**]	**In specified proportions**	Recast to specify clearly the elected element in the different classes of Municipal Councils Recast so as to avoid a possible interpretation that one or more salaried servants of Government should necessarily be nominated to a Municipal Council There is no such nomination in the City Municipal Council Bangalore This is firstly to provide for appointment by Government of a President who is not already a Councillor—elected or nominated secondly to declare such a President as well as one elected by the general body of voters if not already a Councillor to be an additional Councillor and thirdly to exclude such Presidents when calculating the elected element in order that neither the number that may be nominated to a Council is reduced by one nor the number elected for separate Mohallas is reduced by one Unless the President in these two cases is an additional Councillor one or the other of these alternatives neither of which is desirable, will follow

23 (1) For every Municipal Council there shall be a President if and whenever Government so directs one or more than one Vice President Where there are more Vice Presidents than one the Government may direct which of them is the senior for the purpose of this Regulation

(2) The President and the Vice President or Vice Presidents shall be selected from among the councillors and for this purpose may be either—

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

3 After sub section (2) of Section 13 the following new sub-section shall be inserted —

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye election held before his term of office as Councillor

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person [duly authorised in this behalf to represent such association] shall be deemed to be qualified to be elected a Councillor

4 For Section 23 of the Regulation the following shall be substituted —

[(1) Every Municipal Council shall be presided over by a President who shall be either —]

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

(c) if the Government so directs elected by the [Municipal Council] in accordance with such rules and conditions as may be prescribed by Government in this behalf or

3. After Sub-section (2) of Section 13 the following new Sub-section shall be inserted :— **Amendment of Section 13**

(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to b a candidate at a bye election held before his term of office as Councillor [expires] **Enrolment in Municipal Election Roll necessary for elected Councillor**

Provided that if any company body corporate or other association of individuals is enrolled in the Municipal Election Roll any one person [who is authorised **in writing** in this behalf by such association to represent it and who is **not subject to any of the disqualifications under** this Regulation] shall be deemed to be qualified to be elected a Councillor **Representative of Association.**

4 For Section 23 of the Regulation the following shall be substituted — **Amendment of Section 23.**

[23 (1) For every Municipal Council there shall be a President and if and whenever Government so directs one or more than one Vice President Where there are more Vice Presidents than one the Government may direct which of them is the senior for the purpose of this Regulation] **Every Municipal Council to have President and if Government so directs one or more Vice Presidents.**

[(2) The President may be—]

(a) appointed by the Government by name or

(b) appointed by the Government *ex officio* that is to say as executing the functions of any office which the Government from time to time notifies in this behalf or

(c) if the Government so directs elected by the [councillors from among their number] in accordance with such rules and conditions as may be prescribed by Government in this behalf or

Troubles may arise as to whether a person was or was not duly authorised by an association Such authorisation should be in writing and for obvious reasons the person authorised should not be subject to any disqualifications under the Regulation

The existing provision which prescribes that every Municipal Council shall have a President and may have one or more Vice Presidents (if so directed) is retained in preference to the amendment in the Bill which leaves it to be inferred

Recast consequent on the above change

Report of the Select Committee appointed to consider the Bill further to amend the Mysore unicipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select mittee	Reasons for the change
(c) if the Government so directs elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf	(d) if the Government so directs elected by persons entitled to vote under Section 13 subject to such rules and conditions as may be prescribed by the Government in this behalf	(d) if the Government so ots elected by persons entitled to vote under Section subject to such rules and conditions as may be d by the Government in this behalf	
	[(2)] * *	[ ] * * *	Sub clause (4)(a) in the Bill omitted as it is already include in the amended Sub Section (1)
	(4) [(a) There shall be a Vice President for such Municipal Councils as the Government may direct]		
	[(b)] The Vice President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf	(4) The Vice President shall be elected by the Coun cillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf	
	Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice President by name	Provided that the Government may for special reasons and in the case of such Municipal Councils as it may deem fit appoint the Vice President by name	
(7a) During the period interven ing the expiry of the term of a President on the reconstitution of a Municipal Council and the election or nomination as the case may be of anothe President the Deputy Commissioner in the case of Muni cipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstand ing anything contained in this Regulation or in the rules or notifi cations issued thereunder take the place of the President until elected or nominated President enters on his duties	[(3)] During the period inte vening the expiry of the term of President on reconstitution of Municipal Council and the electio or nomination as the case may b of another President the Deputy Commissioner in the case of Muni cipalities at district headquarters or the Amildar in the case of other Municipalities shall notwithstand ing anything contained in this Regulation or in the rules or noti fications issued thereunder [take the place of] the President until such elected or nominated President	[(5)] During the period [if any] intervening [between] the expiry of the term of a President on reconstitu tion of a Municipal Council and the election or nomination as the case may be of another President the Deputy Commissioner in the case of [City Municipalities and] Municipalities at district headquarters or the Amildar in the case of other Munici palities shall notwithstanding anything contained in this Regu lation or in the rules or notifications issued thereunder [perform the functions] of the President until such elected or nominatated President enters on his duties	When a President is elected under sub clause (2)(d) above there may be no interregnum So the words if any between the words period and inter vening are inserted Munici palities at district headquarters include the two City Municipali ties Hence the change For the words take the place the words perform the functions are substituted as more appro-priate and legal

(4) Except in the case of an *ex officio* President or Vice-President every President or Vice President who for a period exceeding three months shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice-President unless leave so to absent himself has been granted— (*a*) by the Government in the case of a President or Vice President appointed under clause (*a*) of sub section (2) (*b*) by the Municipal Council in the case of an elected President or Vice President.	[(5)] Except in the case of a salaried servant of Government who is either an appointed or an *ex-officio* President every President [who for a period exceeding **three months**] and every Vice President who for a period exceeding [**fifteen days**] shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (*a*) by the Government in the case of a **President** [appointed under clause (*a*) of sub-section (1)] (*b*) by the Municipal Council in the case of an elected President or [of a] Vice President	[(6)] Except in the case of a salaried servant of Government who is either an appointed or *ex-officio* President every President and every Vice President who for a period exceeding [**two months**] shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice President shall cease to be President or Vice President unless leave so to absent himself has been granted— (*a*) By the Government in the case of a **President [or Vice-President appointed by Government]** (*b*) by the **Municipal Council** in the case of an elected President or Vice-President	**Consequence of absence of President or Vice-President without leave**	There is no apparent reason for the difference in the period of absence of the President and Vice President and the period of three months is too long A period of two months is prescribed A Vice President can also be appointed by Government in certain cases There is no provision to grant leave in such a case This omission is rectified by the addition of the words or Vice President The words under clause (*a*) of sub section (1) refer only to the President and have therefore to be replaced by the words by Government as a Vice President is also included in the clause Sub clause (6) in the Bill does not provide for all the cases that may arise on the grant of leave to a President or Vice President It is replaced by the proposed sub clause (7)
(5) Leave under the last preceding sub section shall not be granted for a period exceeding six months and whenever leave is granted to a President or Vice President under that sub section a Councillor shall be appointed or elected as the case may be to perform all the duties and exercise all the powers of a President or Vice President during the period for which such leave is granted	[(6)] Leave under the last preceding sub section shall not be granted for a period exceeding six months [and whenever leave is granted to a Vice President under that sub section a Councillor **shall be elected** subject to the conditions to which the election of the Vice President so absenting himself was subject to perform all the duties and exercise all the powers of a Vice President during the period for which such leave is granted]	[(7)] Leave under the last preceding sub-section shall not be granted for a period exceeding six months [Whenever leave is granted to a **President** and there is no Vice President for the Council or the office of the Vice President is vacant the vacancy shall be filled up by election by the Council from among the Councillors whether the President was elected under clause (*c*) or (*d*) of sub section (2) within such period and in such manner as may be prescribed by rules framed by Government in this behalf If the **Council fail to elect the President** or if the appointment of the President was under clause (*a*) of sub section (2) the **Government may fill up** the vacancy When leave is granted to a Vice President or when he is acting for the President the vacancy **may be filled up** by appointment or election as the case may be of some other Councillor thereto]	**Limit of grant of leave and arrangements during leave**	
(6) Every President and every Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duty and the term of office of every President	[(7)] Every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties [and the term of office of every President	[(8) The term of office of every President and of every Vice-President shall cease on the expiry of his term of office as Councillor and] every President and Vice President shall be removable from his office as such President or Vice President by the Government for misconduct or neglect of or incapacity to perform his duties [**after an opportunity is afforded for hearing him**]	**Term of Office of President and Vice President and their liability to be removed**	The sub-clause is recast to bring about a more logical order provision is also made to afford the President or Vice President an opportunity of being heard before his removal

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
and of every Vice President shall be for a year unle s the term of the Council expires sooner Provided that in the case of City Municipalities his term of office shall continue for three years unless his term of office as Councillor ex pires sooner	and of every Vice President shall cease on the expiry of his term of office as Councillor]		
(7) In the event of the death resignation or removal from office of a President or Vice President other than an *ex officio* President or Vice President or of his becoming incap able of acting in such office or having ceased to be a Councillor under sub-section (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	[(8)] In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub section (2) of Section 15 pre vious to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto	[(9)] In the event of the death resignation or removal from office of a President other than an *ex officio* President or of a Vice President or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub ection (2) of Section 15 previous to the expiry of his term of office as President or Vice President the vacancy shall be filled up by the appointment or election as the case may be of some other Councillor thereto [For all the vacancies which are not otherwise provided for the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice President during such vacancy] **Vacancies in their office how to be filled up.**	This is to provide for casual vacancies
(8) The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government the salary of any Government Officer whose services are lent for employment as Vice President or President	[(9)] The President or Vice President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government [Provided that] it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government [the] salary [of] any Government officer [whose services are lent for employment as Vice-President or President.]	[(10)] The President or Vice-President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government * It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government salary [or allowances to] any Government officer [who is appointed as President or Vice President] **Remuneration of President and Vice-President of Municipal Council.**	[*Recast as this is not strictly a proviso to sub clause (9) The words whose services are lent for employment are replaced by the words who is appointed as being more comprehensive and applicable to actual facts The omission of the and substitution of to for of are made as salary is too restricted and not sufficiently definitive Allowances of the officer should be included in order to provide for cases in which only an allow is debited to the Municipal

26 (14) (a) The Executive gineer Educational Inspector and the Civil Surgeon in a district when charged with any of the duties of a Health Officer there in if not members of a Municipal Council within the district shall have the right of being present at any meeting of such Municipal Council and with the consent of the Municipal Council each of them may take part at such meeting in the discussion or consideration of any question on which, in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such Municipal Council

* * *

(b) If it shall appear to a Municipal Council that the presence of the Executive Engineer Educational Inspector or Civil Surgeon of or in the district is desirable for the purpose aforesaid at any future meeting of such Municipal Council it shall be competent to such Municipal Council by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat and the said officer unless prevented by sickness or other reasonable cause shall be bound to attend such meeting

* * *

Explanation —The terms Executive Engineer Educational Inspector and Civil Surgeon in sub sections (13) and (14) of this section include the Principal Engineering Educational and Medical Officer respectively in or for the district

3 In the tion at the end of Section 26 the words or Sanitary shall be inserted after the word Medical "]

( ) c ause (a) of su the words Civil Surgeon in a district when d y of the duties of a Health Officer therein the words Chief Sanitary Officer in a district shall be substituted

(2) In clause (b) of the same sub-section the words Chief Sanitary Officer' shall be substituted for the words Civil Surgeon.

(3) For the explanation at the end of Section 26 the following shall be substituted —

Explanation —The terms Executive Engineer and Educational Inspector in sub sections (13) and (14) of this section include the principal Engineering and Educational Officer respectively in or for the district.]

use of the words "Civil , etc in the sub-section is inaccurate Rather than retain the words and explain them later it is better to replace them by the words Chief Sanitary Officer in a district so as to bring about the desired result and exclude the Chief Sanitary Inspectors of districts

Consequent on the change made above

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
46 Every Municipal Council shall as soon as conveniently may be after the constitution thereof and subject to the provisions of Chapter XIII A make and may from time to time alter or rescind rules but not so as to render them inconsistent with this Regulation (*a*) regulating the conduct of their business and the delegation of any of their powers or duties and subject to the provisions of secti 27 the appointment and constitution of committees (*b*) determining (*i*) the executive functi to be performed by the presiden vice-president the chairman of an committee and subject to the provisions of Chapter XIII in City Municipal Councils by the Chief Officer and subject to the provisions of Chapter XIIIA by the Municipal Commissioner and the delegation of any of their powers or duties to such persons (*ii*) the staff of officers and servants to be employed by the Municipal Council and the respective designations duties salaries fees and absentee or other allowances of such officers and servants and the powers and duties delegated to them under Section 37 (*c*) generally for the guidance of their officers and matters to the	8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* — (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in res- **all or any class of Municipal**]or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved y the Government	8 The following shall be substituted for proviso (*a*) to Section 46 of the Regulation *viz* — Amendment of Section 46. (*a*) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (*b*) (*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) in respect of [**any Municipal Council**] or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government	Power may be given to Government to frame rules in respect of any Council rather than any class of Municipal Councils. There may be cases when a Municipal Council falling under a certain class may not be in a position to be subjected to such rules

(d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security

(e) subject to the provisions of section 184 determining the mode and conditions of appointing punishing or dismissing any officer or servant and delegating to officers designated in the rules the power to appoint fine reduce suspend or dismiss any officer or servant

(f) regulating the grant of leave to officers or servants and fixing the remuneration to be paid to the persons if any appointed to act for them whilst on leave

(g) subject to the provisions of the Mysore Service Regulations and to the special orders of Government if any regulating the period of service of all officers and servants and determining the conditions under which such officers and servants or any of them shall receive pensions gratuities or compassionate allowances on retirement or on their becoming disabled through the execution of their duty, and the amount of such pensions gratuities or compassionate allowances and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relations of any such officers or servants whose death has been caused through the execution of their duty

Report on the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
(*h*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants * * * Provided that—(*a*) No rule made or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government. (*b*) * * * (*c*) * * * 48 (1) Every Municipal Council may from time to time with the previous sanction of the Government make alter or rescind bye-laws but not so as to render them inconsistent with this Regulation— * * * (*b*) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted refused suspended or withdrawn for the use of any place not belonging to the Municipal Council — (*i*) as a slaughterhouse (*ii*) as a market or shop for the sale of animals intended for human food or of meat, or of fish or as a market for the sale of fruit or vegetables (*iii*) for of th	9 (1) After sub clause [(*ii*)] of clause (*b*) under sub-section (1) of Section 48 the following new [sub clause] shall be inserted — [(*iii*) as a hotel bakery sweet meat shop or otherwise for the preparation manufacture or sale of articles intended for human food or drink the present sub clause (*iii*) being re-numbered as sub-clause (*iv*)]	9 (1) After sub-clause [(*iii*)] of clause (*b*) under sub section (1) of section 48 the following new [sub clauses] shall be inserted — [(*iv*) as a dairy hotel restaurant eating house coffee house sweetmeat shop bakery boarding house or lodging house (other than a students hostel under public or recognised control) or for manufacturing ice or aerated waters] [(*v*) as a place for the preparation or manufacture of oil] [(*vi*) for parching grain or Bengal gram on a large scale]	Sub-clause (1) of clause 9 of the bill is too general and would even cover any private house where food is prepared for the consumption of the inmates The idea is to license only such places as are used for the preparation etc of food and drink for purposes of sale or where accommodation is given for payment The clause is accordingly revised *Vide* note against clause 23 of the bill

Amendment of Section 48

regulation of the sanitary business in any place used as a foresaid so as to secure cleanliness therein or to minimise any injurious offensive or dangerous effect arising or likely to arise there from	[(2) After sub-clause (sv) clause (b) under the same section the following new sub-clause shall be added —] [(v)] or for any other purp for which the taking out of a licen is or may be prescribed	[(vi)] or for any other purpose for which the taking out of a license is or may be prescribed	Sub-clause (v) of the bill has been omitted and the same included under sub clause (1)
(c) providing for the inspection of hotels bakeries sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (b) and for securing the cleanliness of such places and the wholesomeness of the articles prepared kept or sold therein * * *	[(3)] * * * [(4)] In sub section (1) of the same section the following shall be inserted [between the clauses (o) and (p)] —	[(2)] * * * * [(3)] In sub section (1) of the same section the following shall be inserted [after clause (n)] —	The proper place is after clause (n) and hence the change
(m) regulating the use of public bathing and washing places within municipal limits	[(oo] regulating the conditions for the construction use and disposal of the houses intended for the poor	[(nn)] regulating the conditions for the construction use and disposal of houses intended for the poor [under clause (bb) of Section 56]	For constructing houses for the poor The substantive provision of law which relates to this clause is clause (bb) of section 56 Hence it is mentioned here
(n) regulating sanitation and conservancy	[(5)] * * *	[(4)] * * * *	
(o) regulating the disposal of carcasses of dead animals	[(6) At the end of the same clause after the semicolon the following words shall be added - and prescribing a time limit for the erection of buildings]	Omitted	It is not proposed to prescribe any time limit for buildings The provision was inserted when the idea was to resume sites when buildings were not constructed for an indefinite period Now that provision for resumption is not inserted in the present bill this time limit becomes illegal
(p) regulating the conditions on which permission may be given for the temporary occupation of or the erection of temporary structures on public streets or for projections over public streets and regulating the structure and dimensions of plinths walls foundations roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires and for purposes of health * * *	[(7)] * * *	[(5)] * * * *	

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
59 Any Municipal Council— (a) after observing the preliminary procedure required by section 60, and (b) with the sanction of the Government, and subject to such modifications or conditions as under section 61 the Government in according such sanction deems fit may impose, for the purpose of this Regulation any one or more of the following taxes that is to say (i) a rate on buildings, or lands, or both situate within the municipality not exceeding in any case, • • • (x) a tax on arts, professions, trades and callings and on offices and appointments, at rates not exceeding those specified in schedule, III (xi) an educational cess not exceeding two annas in the rupee in the City Municipalities and one anna in the rupee in the other Municipalities on taxes levied under clauses (i) and (x) to be utilised solely for purposes of education. (xii) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in sub-clause (i) of clause (a) of section 60	12. (1) After clause (x) of section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re-numbered as (xii) and (xiii) respectively — (xi) a tax on shops where business is carried on for [purposes] of profit payable half yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause, the person or perons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (x) in respect of the business carried on in the shop.	12 (1) After clause (x) of section 59 of the Regulation the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re-numbered as (xii) and (xiii) respectively — (xi) a tax on shops [and other places] where [a] business [or profession] is carried on for [purpose] of profit payable half yearly by the peron or persons engaged in the business [or profession] at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned Provided that where a Municipal Council elects to levy a tax under this clause the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (x) in respect of the business [or profession] carried on in the shop [or place]	Amendment of Section 59 A shop does not include a place where a profession is carried on. Hence the change One of the main objects of levying shop tax instead of profession tax is to avoid secret and often unpleasant enquiry as to the income of a person who is carrying on a trade business or profession The alternative shop-tax now proposed dispenses with such an enquiry The place where a trade or business or profession is carried on is proposed to be taxed As in the case of shops, there will be different scales of taxation for places of business or profession Also when a tax is levied under the section there is no minimum income fixed as for profession tax and a person so taxed will be exempt from profession tax

SECTION 59—PROVISO .			
Provided that (a) no tax imposed as aforesaid other than a special sanitary cess or a water rate shall without the express consent of Government be leviable in respect of any building or part of any building or of any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit or in respect of any building or part of a building ordinarily used as a place of public worship or used for charitable but not residential purposes or set apart for the occupation of His Highness the Maharaja or the Yuvaraja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or the Yuvaraja and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody	(2) [for proviso (a) to Section 59 the following shall be substituted] — (a) no tax imposed as aforesaid other than a special sanitary cess or water rate shall without the express consent of Government be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit (ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit	(2) [In the proviso to the same section, the following clauses shall be substituted for clause (a) the present clauses (aa) (b) and (c) being re numbered as (d) (e) and (f) respectively] — (a) no tax imposed as aforesaid, other than a special Sanitary cess or water rate shall without the express consent of Government be leviable in respect of— (i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit (ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit	Amendment of proviso (a) to section 59 No change Calls for no remarks

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
	(ee) any building or part of a building [ordinarily] used as a place of public worship or used for charitable, [but not residential purposes]	(ee) any building or part of a building used as a place of public worship or used for [a] charitable [purpose,]	The word ordinarily is omitted to avoid different interpretations and disputes as to the degree of use for public worship The words but not residential are omitted as otherwise the necessary residence of the servants and establishment of a place of worship or charitable institution would render the institution liable to taxes Rather than exclude such residential purposes from the operation of the clause it is considered desirable to omit the words altogether and leave the question whether such building is being used for profit, to be determined in each case according to the facts of the case It has also to be stated that the words but not residential do not occur in the corresponding sections of similar enactments in British India
	[(ee) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja ,]	[(b) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja]	Clauses (b) and (c) confirm the existing practice and are in accordance with the Government Orders passed in this connection The clauses in the Bill do not correctly represent the practice and are therefore modified
	[(e) any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja.]	[(c) in respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid shall be leviable except a special sanitary cess, and rate, if any which shall be [illegible]	

no toll shall be for the passage of or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their custody]

14 After Section 81 the following Section shall be inserted —

81A (1) * * *

(2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the [President]

16. After Section 84 the following section shall be inserted —

84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall [be modified accordingly] Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the whom it was issued

[(c) no toll shall be leviable for the of troops or conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers on duty or the conveyance of any person or property in their custody]

14 After Section 81 the following section shall be inserted —

81A (1) * * *

(2) Where any toll has been leased under this section any person employed by the lessee to collect such tolls shall subject to the conditions of the lease have the powers referred to in sub-sections (1) and (2) of Section 79 provided that no article distrained may be sold except under the orders of the [Municipal Council]

16 After Section 84 the following section shall be inserted —

84A Where the warrant is addressed outside the Municipality the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall [apply *mutatis mutandis*] Such Officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued

New Section 81A Farming of Tolls.

The power of sale should be exercised under the orders of the Municipal Council and not the President and the Council may if it chooses delegate the power to the President This is the law in Bombay Hence the change

Addition of Section 84 A. Distraint and sale outside the Municipality

The correct legal expression is *mutatis mutandis* which is therefore used instead of modified accordingly "

Report of the Select Committee ap consider the Bill further to amend the Mysore Municipal Regulation [illegible]

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil	17 After Section 91 the following new Section 91A shall be inserted —	17 After Section 91 the following new Section 91A shall be inserted —	
	91A (1) It shall be [the duty of every] Municipal Council to prescribe a line on [each side of every] public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof	91A (1) It shall be [lawful for any City Municipal Council and such other] Municipal Council [as may be notified by Government in this behalf] to prescribe a line on [either side or both sides of any] public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed or for any part thereof	Addition of a New Section 91A The regular line of Public street The changes made are firstly that it should not be an *obligatory* duty of every Municipal Council to prescribe a line for *every* public street The duty should be discretionary *i e* left to the option of the Council and in respect of any such street as it may deem fit Further the provision should apply only to City Municipalities and in exceptional cases to such other Municipalities as may be notified by Government The clause is recast accordingly
	Provided that—	Provided that—	
	(a) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council shall give public notice of [the proposal] and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed [and]	(a) at least one month previous to prescribing such line or such fresh line as the case may be the Municipal Council shall [notify the same in the Mysore Gazette and shall] give public notice of [it] and they shall [also] put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed	To give greater publicity the notice should be published in the *Mysore Gazette* and it must be given as much publicity as possible apart from the special notice to be put up in the street
	(b) * *	(b) * * * [and]	
		[(c) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public]	It is necessary to prescribe the preparation of a map of the area to be open to public inspection in order that persons interested may have a chance of representing their grievances if any
	(2) * *	(2) * * *	
	(3) * *	(3) * * *	
		[(4) If any person suffers loss by the Municipal Council not granting permission under sub section (3) of this Section he shall be entitled to claim from the Municipal Council compensation which should in case of dispute be ascertained and determined in the manner provided in Section 160]	There may be cases where after a line is prescribed under Section 91A the municipal Council may not choose to acquire the property falling within the line and the existing street and may lso or delay the issue of

	[(4)] Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to [one thousand] rupees and the Municipal Council may— (a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary	[(5)] Whoever contravenes the provisions of Sub-section (3) shall be punished with fine which may extend to [two hundred] rupees and the Municipal Council may— (a) direct that the building be stopped and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary	In such a case and in cases where the damage is likely to be heavy where for instance the main portion of a building falls within the line the party's right for compensation should be specifically defined Hence the sub-clause One thousand rupees is a disproportionate amount which so far as Mysore goes is not likely to be awarded as fine. Hence it is reduced to Rs 200
Nil	[18 After Section 93 the following new Section 93A shall be inserted — 93A No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any bye-laws made under this Regulation relating to the use of building sites or the erection or use of buildings Provided that the Government may in respct of all Municipalities or with the consent of the Municipal Council in respect of any particular Municipality or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of this Chapter or the bye-laws made thereunder]	Omitted	*Vide* reasons on next page against clause 19 of the Bill.

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd.*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil	[19 After Section 93A the following new Section 93B shall be inserted — 93B (1) The Municipal Council may give public notice of its intention to declare— (a) that in any streets or portions of streets specified in the notice (i) continuous building will be allowed (ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall in respect of their architectural features be such as the Municipal Council may consider suitable to the locality or (b) that in any locality specified in the notice the construction of only detached buildings will be allowed or (c) that in any street portions of streets or localities specified in the notice the construction of shops warehouses factories huts or buildings of a specified architectural character or building destined for particular uses will not be allowed without the special permission of the Municipal Council (2) No objections to any such declaration shall be received after a period of three months from the publication of such notice (3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration and before doing so may modify it but not so as to extend its effect (4) The President shall publish any declaration so con and it shall take effect	Omitt	Sections 93A and 93B appear to have been drafted without considering duly that Section 96 provides for practically all these matters Any additions necessary will have to be made in that Section Hence clauses 18 and 19 are omitted and Section 96 is suitably amended (*Vide poste* proposed amendment of Section 96)

comprehension
laration Act.

21 After Section 95 the following new section shall be added —

95A The Municipal Council may require that any building used or intended to be used as a [grain shop or grain store shall be] erected so as to render such building rat proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government.

21 After Section 95 the following new section shall be added —

Addition of a new Section 95 A. Rat proof building for warehouses for storing grain.

95A The Municipal Council may require that any building used or intended to be used as a [warehouse for the storage of grain shall be protected or] erected so as to render such building rat proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

Provided that the provisions of this Section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government

The section as worded is too wide and would cover petty retail shops as also every house where grain is kept even in small quantities for purposes of being used daily for food The operation of the section should be limited to warehouses where large quantities of grain are stored and where rats may die of infection unobserved The operation of the section should extend not only to warehouses to be erected hereafter but also to existing ones as is apparent from the word used and hence the corresponding word protected which seems to have been left out by mistake is also added There is no real protection against plague unless existing warehouses are also protected

96 (2) The Municipal Council may such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the location of the building in relation to any street existing or projected or where the Municipal Council have been specially empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper

[For Sub section (2) of section 96 the following shall be inserted —

Amendment of Section 96 Power of Municipal Council to pass orders.

(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice and may either give permission to erect or alter or add to the building according to the plan and information furnished or may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the location of the building in relation to any existing building or street existing or projected or prohibiting its use as a factory or where the Municipal Council have been specially empowered by Government in this behalf such conditions as to design or materials or to the dimensions or the cubical contents of the rooms as they think proper]

Sub-section (2) of section 96 is added to to cover cases contemplated by Sections 93 A and 93 B which have already been omitted The effect is that while building on sites could not be absolutely prohibited which is too drastic the provisions in Sections 93 A and 93 B re buildings being in a line or detached and their architectural character are provided for and constructing a factory deleterious to health in the middle of dwelling houses can be prohibited

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
	22 After Section 137 the following new section shall be inserted — 137A Within such limits as [the] Municipal Council may direct no person shall keep more than [ten] pigs or more than [twenty] goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25	22 After Section 137 the following new section shall be inserted — 137 A Within such limits as [a City] Municipal Council may direct no person shall keep more than [five] pigs or more than [ten] goats without a license from the Municipal Council The Municipal Council may charge an annual fee not exceeding Rs 2 for such license and may impose such conditions in respect of such license as they may think necessary Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs 25. Additions of a new section 137A Licensing of goats and pigs	Licensing of goats and pigs may be limited to the City Municipalities and the number which would necessitate a license reduced to 10 and 5 respectively
151 If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used * * * (i) as a brick pottery or lime kiln (j) for soap making (k) for oil boiling * *	23 [(1) For clause (k) of Section 151 the following shall be substituted — (k) for boiling pressing cleansing preparing or manufacturing by any process whatever oil (edible or non edible)] [(2) In the same section the following shall be added after clause (l) — (m) for parching grain] [(3) / (4)] * * *	Omitted Omitted [(1) / (2)]	The case which led to this amendment (*vide* Mysore Chief Court Report Vol XXIX Pages 294 299) referred to preparing oil without a license under section 48 and not to carrying on the trade as a nuisance under this Section The amendment in the bill goes further than was intended by the prosecution in the above case and makes the preparation etc of oil a nuisance which is not always so The question regarding parching grain is also identical (*vide* discussions at the meeting of the Legislative Council on 16th April 1929) So in order to provide for what is actu Section 48 is added being of oil, or Bengal

are omi

Nil

24. After Section 151, the following new section shall be inserted :—

'151A (1) No person shall [newly] establish in any premises any factory, workshop or workplace which it is intended that steam water electrical or other mechanical shall be employed without the previous written permission of the Municipal Council

(2) * *

(3) * *

24 After Section 151 the following new section shall be inserted —

"151 A [After the passing of this Regulation in a City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government] no person shall establish in any premises any factory workshop or workplace in which it is intended that steam, water electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council

(2) * * *

(3) * * *

Addition of a new Section 151A Factories in crowded local ties.

Newly is not a legal term and there may be difficulty in interpreting it It is therefore clearly stated that the section applies to all factories etc which may be started after the passing of this Regulation The operation of the section is restricted to City Municipalities and to such select Municipalities as the Government may notify

Nil

25 After Section 151 A the following new section shall be inserted —

"151 B (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam, mechanical means or electricity for the summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council

(2) * *

(3) * *

25 After Section 151 A the following new section shall be inserted —

151 B (1) [In any City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made appliable by the Government] no person shall use or employ in any factory or any other place, any whistle or trumpet operated by steam mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council

(2) * * *

(3) * * *

Addition of new Section 151B. Use of siren or whistle f summoning or dismissing workmen.

The object is to restrict the operation of this section to City Municipalities and to such other Municipalities as Government may notify

Nil

27 After Section 164 of the Regulation the following new section shall be added —

164 A No distraint shall be made, [no suit shall be instituted] and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made [a suit might have been instituted] or prosecution might first have been commenced, as the case be, in of such sum.

27 After Section 164 of the Regulation the following new section shall be added —

164 A No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum

Addition of new Section 164A. Limitation for distraint etc.

Reference to institution of suits s omitted in this section, as under section 87 of the Regulation taxes are first charge on the property a which case the limitation is 12 years

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*contd*

Provision in the existing Regulation	Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil	28 After Section 173 of the Regulation, the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council [either of his own motion or on the application of an aggrieved party] and to submit the same with his opinion to Government for such orders as they may deem fit to pass if he is satisfied that the order or proceeding of the Council or its executive is [wrong or] contrary to law'	28 After Section 173 of the Regulation the following new section shall be inserted — 173 A The Deputy Commissioner shall have power— (1) to inspect the office of any Town or Minor Municipal Council (2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass, if he is satisfied that the order or proceeding of the Council or its executive is contrary to law Addition of a new Section 173A Deputy Commissioner's power of inspection of Municipal Councils.	The words either of his own motion or on the application of an aggrieved party are omitted The omission does not alter the sense Also the words wrong or are omitted so that the Deputy Commissioner may not interfere on questions of fact
SCHEDULE II (See Section 59 Clause iii) *Maximum Rates of Tolls payable on entering the Municipal limits* Rs a p On every four wheeled vehicle with springs 0 8 0 On every jatka hackery or cart laden 0 4 0 On every jatka, hackery or cart not laden 0 2 0 On every other vehicle with springs and every palanquin bicycle or tricycle 0 4 0	30 [(1)] In Schedule II above the words " on every four wheeled vehicle with springs—0-8-0" the following words shall be inserted namely — Rs. a. p On every motor car 1 0 0 On every motor cycle [or bicycle] 0 8 0	30 In Schedule II above the words [and figures] on every four wheeled vehicle with springs Re 0-8-0 ' the following words [and figures] shall be inserted namely — Rs a p. " [On every motor bus] [2 0 0] On every motor car 1 0 0 On every motor cycle 0 8 0	This is to provide for the c of a motor bus, The words or bicycle are redundant and are struck out

Nil

[(2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation viz :—

Explanation 3—No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal, District Fund or State toll-gate provided that when toll has been paid in respect of any vehicle or animal not ladden or unridden the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden shall be collected if such vehicle or animal again passes through a Municipal toll-gate laden or ridden within such period

"*Explanation 4*—Any Municipal Council may, with the previous sanction of Government declare that payment of toll on vehicles or animals at any toll-gate, whether within or without Mysore, shall clear such vehicles or animals at any of their toll-gates.]

Omitted

This matter may continue to be regulated by rules as at present

Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation—*concld.*

SCHEDULE II A—(AS IN THE BILL)

(See Section 59, Clause xi)

Shops		Sort				
		1st	2nd	3rd	4th	5th
		Rs	Rs.	Rs.	Rs.	Rs.
Shops (Mundi) where all sorts of articles are sold per shop	In City Municipalities	50	40	30	20	
	In other Municipalities	30	25	20	10	
Shops in which piece goods are sold per shop	In City Municipalities	20	15	12	8	
	In other Municipalities	15	12	10	6	..
Other shops per shop	In City Municipalities	15	10	8	5	4
	In other Municipalities	12	10	7	4	3

SCHEDULE II (A)—(AS AMENDED)

(See Section 59 Clause xi)

Items		Sort					
		1st	2nd	3rd	4th	5th	6th
		Rs	Rs.	Rs	Rs.	Rs	Rs
1 Shops (for each shop per year)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit (for each place per year)	In City Municipalities	50	40	30	20	10	5
	In other Municipalities	30	25	20	10	4	2

DISSENTING NOTE BY MESSRS C NARASIMHAIYYA AND B K. GARUDA CHAR TO THE REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION

Section 12

For substituting the words was assessed to for the words has been paying in clause (c) of Section 12 no valid reason has been assigned Even the draft Bill that was placed before council does not disclose any reason In the statements of objects and reasons, attached to the Bill and notes on clauses no suggestion has been thrown out for a change in this particular section It appears to have been simply inserted at the suggestion of some municipal council or councillors Even the Local Self Government Conference has not made a recommendation of this kind

The *Election Roll* contemplated in Section 13 is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality If in the opinion of the framers of the Bill Election Roll and Khata mean one and the same thing then there is no necessity to prepare a separate Roll at all The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues That was the very reason why in an Election Roll only the names of such persons who have paid the taxes were included A citizen will not by merely living or owning property in a city acquire a right to vote unless a universal franchise is conceded and unless he actually pays before the preparation of the Roll he has to lose his right It may lead a citizen to be indifferent negligent or even to refuse to vote It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon The proposed change is not desirable Such a practice does not obtain either in the Bombay or in the Madras Presidencies and a proposal to this effect was negatived in the Madras Legislative Council We therefore record our dissent on the amendment

Section 46

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye laws suited to the condition of each locality The rules so framed should not be inconsistent with the Regulation and they have to be approved by the Government But the proposed alteration deprives the Council of all its powers of framing Rules and Bye laws as regards clauses (*b*)(*ii*) (*c*) (*e*) (*f*) (*g*) and (*h*) and vests the power in the Government. No reason has been assigned for this drastic change No instances have been brought to light in which Municipalities have used this power to their detriment or to the annoyance of the Government Very strong reasons must be urged to take away such powers enjoyed by the Municipalities for years together The objects and reasons and notes to clauses do not disclose any reason The only reason assigned during the discussion in the Select Committee is that power is reserved to Government because of its intention to transfer Municipal Officers and servants from one Municipality to another There is no provision in the proposed Bill to give effect to such transfers Even in the proposed amendment of Section 46 there is no provision for transfers This is something like putting the cart before the horse. The proposed amendment can be thought of only when there is a provision for mutual transfers of officers and servants from one Municipality to another The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment We therefore record our dissent on the proposed amendment to Section 46

Section 59 Clause XI

The addition of the words and other places after shop and or profession after business are not necessary The idea of the framers of the Bill is clearly explained in notes on clause 12 It clearly shows that the object is to levy shop tax in lieu of profession tax in respect of *business carried on in the shop* The framers of the Bill did not mean that the levy should extend to any profession carried on in one s own house or in any other place except a shop If the proposed change is accepted it means that a weaver a potter a goldsmith a washerman etc who uses a portion of his living quarters for earning daily bread will have to be taxed It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them Our benign Government are making strenuous efforts to encourage and help Home Industries We therefore oppose the addition of the said words to the Draft Bill

Section 95 (a)

To amend the Section 95 (*a*) so as to affect the present grain shop-owners is undesirable. There are many petty traders and their capital may not exceed more than a couple of

150

hundreds of rupees It will be an uphill task to these petty traders to improve their premises or warehouses in accordance with the clauses of the new Bill Even a reasonable time within which the existing warehouses could be improved is not thought of and no provision made giving such facilities to the existing warehouses. Whatever may be the restriction that may be placed upon the warehouses to be opened after the passing of this Regulation, the existing warehouses should not be forced to come under the New Regulation for punishment Therefore the word used in the proposed clause should be deleted

The Municipal Regulation as it now exists and the Bill now introduced for amendment are complicated. There is only one Regulation for the City Town and other Minor Municipalities. One has to wade through to find out the sections relating to the City and Town Municipalities Such a difficulty was experienced by us when reading the Bill in the Select Committee. It is essential that there should be separate Regulations for different kinds of Municipalities We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City Town and Minor Municipalities.

C. NARASIMHAIYA
R. K. GANDASHAR.